

MAINE STATE LEGISLATURE

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E I G H T Y - E I G H T H L E G I S L A T U R E

Legislative Document

No. 470

H. P. 1294

House of Representatives, February 11, 1937.

Referred to Committee on Legal Affairs. Sent up for concurrence and 500 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Chase of Baring.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-SEVEN

AN ACT Licensing Steam Engineers and Firemen.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. Scope. It shall be unlawful for any person to have charge of or to operate a steam boiler or engine in this state, except those used by railroads subject to the interstate commerce act, those under the control of the public utilities commission of Maine, boilers in private residences, and boilers used for agricultural purposes exclusively or those of less than 4 horsepower, or those used on automotive vehicles, unless he holds a license as hereinafter provided; and it shall be unlawful for any owner or user of any steam boiler or engine, other than those above excepted, to operate or cause to be operated a steam boiler or engine for a period of more than 2 weeks without a duly licensed engineer or fireman in charge.

Sec. 2. Application and revocation. Any person desiring to act as an engineer or fireman shall make application to so act to the examiner in the district in which he resides upon blanks furnished by the department of labor and industry. Any person making application for an engineer's license shall have had at least 1 year of actual experience in the operation of steam boilers, or steam engines. Any person making application for a

fireman's license shall have had at least 6 months of actual experience in the operation of steam boilers. No person shall make application for a license of any particular class oftener than once in 90 days. If upon examination the applicant is found trustworthy and competent a license shall be granted to said applicant to have charge of or to operate such steam plants as the examiner may find him qualified to have in keeping. Such license shall continue in force for 1 year unless after proper hearing it is sooner revoked for intoxication or other sufficient cause, and shall be renewed every year on application to the department of labor and industry. Applicant shall make oath to the statements contained in said application and the commissioner or examiner of the department may administer the oath.

Sec. 3. Classes of licenses. Licenses shall be granted according to the competency of the applicant and shall be classified as follows:

Engineer's licenses. First class, to have charge of and operate a first class plant which shall mean any steam plant.

Second class, to have charge of and operate a second class plant which shall mean a boiler or boilers, no one of which shall exceed 150 horsepower, and to have charge of and operate engines, no one of which shall exceed 200 horsepower, or to operate a first class plant under the direct charge of a person holding a first class engineer's license.

Third class, to have charge of and operate a third class plant which shall mean a boiler or boilers not exceeding in the aggregate 150 horsepower and an engine or engines not to exceed 50 horsepower each, or to operate a second class plant under the direct charge of a person holding a second class engineer's license.

Fourth class, to have charge of and operate hoisting and portable steam engines and boilers.

Firemen's licenses. To have charge of and operate any boiler or boilers where the safety valve or valves are set to blow at a pressure not exceeding 25 pounds per square inch, or to operate high pressure boilers under the direct charge of a person holding an engineer's license. A person holding a fireman's license may operate a third class plant under a licensed engineer in direct charge thereof. An engineer's or fireman's license shall be so placed in the engine or boiler room of the plant operated by the licensee as to be easily read. Applicants shall be granted either of the above classes of licenses provided they have had charge of or have operated the power equipment of the class of plant for which they seek a license for a period of 5 years prior to July 1, 1937 and provided application is made on or before January 1, 1938.

Sec. 4. Special licenses. A person who desires to have charge of or to operate a particular steam plant may, if he files with his application for such examination a written request signed by the owner or user of the plant, be examined as to his competence for such service and no other, and, if found competent and trustworthy, he shall be granted a license for such service, and no other.

Sec. 5. Fees. A fee shall accompany applications for an original license as follows: engineer's \$3 and firemen \$2, and \$1 for each renewal of license. All sums paid as aforesaid shall be received by the examiner who shall turn the money over to the commissioner of labor and industry taking his receipt for same, and the commissioner shall turn the money over to the treasurer of state to be credited to the general appropriation of the department of labor and industry. Of the applicant's fee for examination, \$1 of this amount to be retained by the examiner as the examination fee.

Sec. 6. Examiner. The examiner or examiners shall be appointed by the commissioner of labor and industry with the consent of the board of appeals and shall hold office during the pleasure of the commissioner and board of appeals. The board of appeals will determine the number of examiners and places of examination. One additional stenographer may be added to the office force of the commissioner of labor and industry at a salary not exceeding \$1150 per year for handling correspondence and filing incidental to this act.

Sec. 7. Notification. It shall be the duty of the commissioner of labor and industry to cause notices to be printed in at least 3 papers issued in Maine notifying those interested of the operation of this law and to apply for a license under the same and to give such persons a reasonable opportunity to take oral examination therefor. The examiner shall issue a license or shall notify the applicant of his rejection within 48 hours after the examination.

Sec. 8. Appeals. Any person dissatisfied with the action of an examiner in refusing or in suspending a license may appeal through the commissioner of labor and industry to the board of appeals, whose decision shall be final.

Sec. 9. Penalty for violation. Any person, firm or corporation violating the provisions of the preceding sections shall be punished by a fine of not less than \$10 nor more than \$300 or by imprisonment for not more than 3 months, said fine to be turned over to the commissioner of labor and industry who shall turn the same over to the treasurer of state to be credited to the general appropriation of the department of labor and industry.

Sec. 10. Enforcement. The chief boiler inspector or any deputy boiler inspector shall be authorized to enforce the provisions of this act, and may without process arrest any violator of said laws, and shall with reasonable diligence cause him to be taken before any trial justice or municipal court in the county where the violation was committed or in any adjoining county for a warrant and trial. Jurisdiction in such cases is hereby granted to all trial justices and municipal courts to be exercised in the same manner as if the offense had been committed in that county.

Sec. 10-A. Proceedings in case of violation by a corporation. In case of violation of any provision of this chapter by a corporation, the warrant may be served by an attested copy, on the president, secretary, manager, or any general agent thereof in the county where the action is pending, and upon return of such warrant so served, the corporation shall be deemed in court and subject to the jurisdiction thereof, and any fine imposed may be collected by execution against the property of such corporation; but this section shall not be deemed to exempt any agent or employee from prosecution.

Sec. 10-B. Penalty. Whoever violates any of the provisions of this act, or any of the rules of the board of appeals applying to this act shall be punished by a fine of not less than \$10, nor more than \$300. All fines, penalties and costs shall be turned over to the commissioner of labor and industry who shall turn the same over to the treasurer of state to be credited to the general appropriation of the department of labor and industry.

Sec. 11. Time limit. This act shall be effective on and after January 1, 1938 and any person applying for a license as engineer or fireman on or before that date shall be deemed to have complied with the provisions of this act until his application is passed upon or denied by the proper authorities.

Sec. 12. Exceptions. In cities having a population of more than 40,000 inhabitants the provisions of sections 145 to 154, inclusive, of chapter 5 of the revised statutes shall remain in full force and effect; and the provisions of this act shall not apply to such cities and any person holding a license issued prior to January 1, 1937 and in effect at that time, by a city of over 40,000 shall be entitled to one of the same grade without examination upon payment of the renewal fee of \$1, money so collected to be handled as hereinbefore provided. Any person holding a state license after this act becomes effective shall be entitled to one of the same grade in cities of over 40,000 inhabitants without examination, upon payment of the renewal fee.

Sec. 13. Definitions. "Department" wherever used in this act shall mean the department of labor and industry. "Board of Appeals" wherever used in this act shall mean the board of appeals created under the provisions of chapter 85 of the public laws of 1935. The word "horsepower" shall be taken as 10 square feet of water heating surface as adopted by the American Boiler Manufacturer's Association as their standard.

The horsepower of a reciprocating steam engine shall be ascertained upon the basis of a mean effective pressure of 40 pounds per square inch of piston for a simple engine, 50 pounds for a condensing engine, and 70 pounds for a compound engine calculated upon the area of the high pressure piston. A variable speed engine shall be rated at its designed mean speed.

A steam turbine engine shall be rated at less than 9 horsepower when the external diameter of the steam supply pipe does not exceed $1\frac{3}{4}$ inches, at 50 horsepower when it exceeds $1\frac{3}{4}$ inches and does not exceed $3\frac{1}{2}$ inches, and at 150 horsepower when it exceeds $3\frac{1}{2}$ inches and does not exceed 5 inches.

Sec. 14. Board of appeals given power to make rules. The power is hereby granted to the board of appeals created under chapter 85 of the public laws of 1935, to make rules and regulations for the proper enforcement of this act.

Sec. 15. Repeal. Except as above provided, all acts and parts of acts inconsistent with the provisions of this act are hereby repealed, or amended, to conform with the provisions hereof, and if any section, sub-section, sentence, clause or phrase of this act is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act.