

MAINE STATE LEGISLATURE

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

Legislative Document

No. 1015

H. P. 1398

House of Representatives, February 19, 1947

Transmitted by revisor of statutes pursuant to joint order.

Referred to the Committee on Legal Affairs, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Berryman of Sidney by request.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-SEVEN

AN ACT Licensing Steam Engineers and Firemen for the Protection of
Life and Property.

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

R. S., c. 85, §§ 61-69, repealed and replaced. Sections 61 to 69, inclusive, of chapter 85 of the revised statutes are hereby repealed and the following sections enacted in place thereof:

'Sec. 61. Scope. It shall be unlawful for any person to have charge of or to operate a steam boiler or steam 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 this state, boilers in residences, boilers and steam engines under the jurisdiction of any branch of the United States government, and steam boilers used for agricultural purposes exclusively or those in which the pressure does not exceed 15 pounds per square inch, 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 steam engine, other than those above excepted, to operate or cause to be operated a steam boiler or steam engine for a period of more than 2 weeks without a duly licensed steam engineer

or fireman, as required by the terms of sections 61 to 75, inclusive, in charge.

Sec. 62. Application and revocation. Any person desiring to act as an engineer or fireman shall make application so to act to the examiner in district in which he resides upon blanks furnished by the department. Any person making application for a steam 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 and/or to operate such steam plants as the examiner may find him qualified to have charge of or to operate. Such license shall continue in force for 1 year unless, after proper hearing before the board of appeals, it is sooner revoked for intoxication or other sufficient cause. Licenses shall be renewed every year on application to the department, which application shall be accompanied by a fee of \$1 and the expiring license certificate. The applicant shall make oath to the statements contained in said application and the examiner or examiners of the department may administer the oath.

Sec. 63. Classes of licenses; qualifications. Licenses shall be granted according to the competence of the applicant and graded as follows:

I. Steam engineers' licenses.

A. First class, to have charge of and/or to operate a first-class plant, which shall mean any steam plant.

B. Second class, to have charge of and/or to operate a second-class plant which shall mean a boiler or boilers which shall not exceed 500 horsepower in the aggregate, and to have charge of and/or to operate an engine or engines which shall not exceed 500 horsepower in aggregate, or to operate a first-class plant under the direct charge of a person holding a first-class engineer's license.

C. Third class, to have charge of and/or to operate a third class plant which shall mean a boiler or boilers not exceeding in the aggregate 200 horsepower and an engine or engines not to exceed 200 horsepower in the aggregate, or to operate a second class plant under the direct charge of a person holding a second-class engineer's license.

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

II. Firemen's licenses.

A. First class, to operate a steam boiler or steam boilers of unlimited horsepower under the direct charge of a person holding a first class steam engineer's license. A person holding a first class fireman's license may operate a steam engine in a third class plant under a licensed steam engineer in direct charge thereof. A person holding a first class fireman's license may have charge of and/or operate any steam boiler or boilers where the safety valve or safety valves are set to blow at a pressure not exceeding 25 lbs. per sq. in.

B. Second class, to operate a steam boiler or boilers not exceeding a total of 500 horsepower.

C. Third class, to operate a steam boiler or boilers not exceeding a total of 200 horsepower.

Sec. 64. Special licenses. A person who desires to have charge of and/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. 65. Exhibition of license certificate. Licenses issued under the provisions of sections 61 to 75, inclusive, shall be mounted under glass and posted in a conspicuous place in or near the engine room or boiler room by the holder thereof or otherwise licenses shall be available for examination under regulations promulgated by the board of boiler rules. In case of loss or destruction of applicant's license, a duplicate attested copy may be obtained from the chief examiner upon the payment of 25c.

Sec. 66. Fees. A fee shall accompany applications for an original license as follows: engineer's license \$3 and fireman's license \$2, \$1 of which shall be retained by the examiner as his fee. All licenses shall be renewed annually upon the payment of \$1 to the department of labor and industry, division of boiler inspection. All sums received by the examiners, less their fee of \$1, shall be forwarded together with applications, receipts, and other papers to the department of labor and industry, division of boiler inspection, where all applications and moneys collected shall be recorded, and the chief inspector shall turn over all moneys so received to the commissioner of labor and industry, taking his receipt for the same and the commissioner shall turn over the money to the treasurer of state to be credited to the general fund.

Sec. 67. **Examiners.** Examiners shall be appointed by the governor with the approval of the council upon recommendations of the board of boiler rules. Examiners shall hold office during good behavior and shall be answerable to the board of boiler rules for their good conduct. Said examiners shall be men well qualified in their line of work and shall be men licensed as first class steam engineers. The board of boiler rules shall determine the number of examiners and the places of examination. The chief inspector of the division of boiler inspection shall hereinafter be known as the chief examiner. The board of boiler rules is hereby empowered to provide a clerk or clerks to assist in the extra work of issuing certificates and the recording and filing of applications in the division of boiler inspection.

Sec. 68. **Notification.** An adequate public notice shall be given of the provisions of this law and of the location of examiners thereof. Each examiner shall forward all completed applications together with his recommendations thereon and all the fees received within 48 hours after any examination to the department of labor and industry, division of boiler inspection, which division shall issue licenses according to the recommendation of the examiner, forwarding the same to the applicant.

Sec. 69. **Appeals.** Any person dissatisfied with the action of an examiner in refusing or in suspending a license may appeal to the board of boiler rules through the commissioner of labor and industry and the decision of the board in the matter shall be final.

Sec. 70. **Enforcement.** The chief boiler inspector or any deputy boiler inspector shall be authorized to enforce the provisions of sections 61 to 75, inclusive.

Sec. 71. **Time limit.** The provisions of sections 61 to 75, inclusive, shall be effective on and after January 1, 1948, 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 said sections until his application is passed by the proper authorities.

Sec. 72. **Present operators may be licensed without examination.** Any owner or person who at present has charge of, or has operated for 1 year a steam boiler or steam engine where the pressure exceeds 15 pounds per square inch shall, upon filing an application with satisfactory evidence with the required fee within 90 days after January 1, 1947, be granted a certificate of the proper grade without examination. Applicants holding a license from a city in Maine or from the state of Maine, the same being

in effect at the time of the passage of sections 61 to 75, inclusive, shall upon filing an application with the required renewal fee be granted a certificate of the same class as that which he now holds. Any member of the armed forces of the United States of America who has served in World War II, upon his return to civilian employment shall be granted a license of the proper class without examination, upon the presentation of satisfactory evidence to an examiner indicating that the applicant has had at least 1 year's experience in the operation of a steam boiler or a steam engine.

Sec. 73. Penalty. Whoever violates any of the provisions of sections 61 to 75 inclusive, shall be punished by a fine of not less than \$10, nor more than \$100.

Sec. 74. Definitions. "Department" wherever used in sections 61 to 75, inclusive, shall mean the department of labor and industry. "Board of boiler rules" wherever used in said sections shall mean the "Board of Boiler Rules," existing under the provisions of chapter 25. The word "horsepower" shall be taken as 10 square feet of water heating surface as adopted by the American Boiler Manufacturers' Association, as their standard. Manufacturers' horsepower ratings shall be applied to steam engines and turbines.

Sec. 75. Board of boiler rules given power to make rules. The power is hereby granted the board of boiler rules to make rules and regulations for the proper enforcement of sections 61 to 74, inclusive, and to set standards and qualifications for each class of license and the type of examination to be given in each class.

Sec. 76. Compensation. Each member of the board of boiler rules shall receive compensation in the amount of \$10 for each day of actual service in attending meetings of the board at which business is transacted plus necessary expenses.

Examiners shall receive compensation in the amount of \$10 per day plus expenses in attending meetings of the board when directed to attend such meetings by the chairman of the board of boiler rules.'