

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. 1017

H. P. 1400

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. Brewer of Presque Isle.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-SEVEN

AN ACT Relating to Board of Boiler Rules.

Emergency preamble. Whereas, it is immediately necessary that provision be made for raising revenue; and

Whereas, in the judgment of the legislature this fact creates an emergency within the meaning of the constitution of Maine and requires the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. R. S., c. 25, § 58, amended. Section 58 of chapter 25 of the revised statutes is hereby amended to read as follows:

‘Sec. 58. Deputy and special inspectors to be examined. Examination for deputy and special inspectors shall be given by the chief inspector, or by at least 2 examiners to be appointed by said chief inspector. The person to be examined must pay an examination fee of ~~\$5~~ \$10. Such examination must be written or part written and part oral, recorded in writing, and must be confined to questions the answers to which will aid in determining the fitness and competency of the applicant for the intended

service and must be of uniform grade throughout the state. In case an applicant for an inspector's certificate of competency fails to pass this examination, he may appeal to the board of ~~appeals boiler rules~~ for a 2nd examination, which shall be given by said board, or, by examiners other than those by whom the 1st examination was given and these examiners shall be appointed forthwith to give said 2nd examination. Upon the result of this examination on appeal, the board shall determine whether the applicant be qualified. The record of an applicant's examination, whether original or on appeal, shall be accessible to him and to his employer.

A certificate of competency may be revoked by the chief inspector of steam boilers for the incompetence or untrustworthiness of the holder thereof or for wilful falsification of any matter or statement contained in his application or in a report of any inspection. A person whose certificate is revoked may appeal from the revocation to the board of ~~appeals boiler rules~~ which shall hear the appeal and either set aside or affirm the revocation and its decision shall be final. The person whose certificate has been revoked shall be entitled to be present in person and by counsel on the hearing of the appeal. If a certificate is lost or destroyed a new certificate shall be issued in its place without another examination. A person who has failed to pass the examination or whose certificate of competency has been revoked, shall be entitled to apply for a new examination and certificate after 90 days from such failure or revocation.'

Sec. 2. R. S., c. 25, § 59, amended. Section 59 of chapter 25 of the revised statutes is hereby amended to read as follows:

'Sec. 59. Inspection of boilers; certificates issued. Each steam boiler used or proposed to be used within this state, except boilers exempt under the provisions of section 64, shall be thoroughly inspected internally and externally while not under pressure by the chief inspector or by one of the deputy inspectors or special inspectors provided for herein, as to its design, construction, installation, condition, and operation; and if it shall be found to be suitable and to conform to the rules of the board of boiler rules, upon payment by the owner or user of such a boiler of the sum of \$1 to the chief inspector, the latter shall issue to such owner or user an inspection certificate for each such boiler ~~and the owner or user of a miniature boiler required to be inspected shall pay to the chief inspector the sum of 25c for each inspection certificate issued.~~ Inspection certificates shall specify the maximum pressure that the boiler inspected may be allowed to carry. Such inspection certificate shall be valid for not more than 14 months from its date and it shall be posted under glass in the

engine or boiler room containing such boiler or an engine operated by it, or, in the case of portable boiler, in the office of the plant where it is located for the time being. The chief inspector or any deputy inspector may at any time suspend an inspection certificate when, in his opinion, the boiler for which it was issued may not continue to be operated without menace to the public safety or when the boiler is found not to comply with the rules herein provided for, and a special inspector shall have corresponding powers with respect to inspection certificates for boilers insured by the company employing him. Such suspension of an inspection certificate shall continue in effect until said boiler shall have been made to conform to the rules of the board and until said inspection certificate shall have been reinstated by a state inspector, if the inspection certificate was suspended by a state inspector, or by a special inspector if it was suspended by a special inspector. Not more than 14 months shall elapse between such inspections and there shall be at least 4 such inspections in 37 consecutive months. Each such boiler, **except miniatures**, shall also be inspected externally while under pressure with at least the same frequency and at no greater intervals.'

Sec. 3. R. S., c. 25, § 62, amended. Section 62 of chapter 25 of the revised statutes, as amended by section 4 of chapter 297 of the public laws of 1945, is hereby further amended as follows:

'Sec. 62. Inspection charge; by whom paid; disposition of. The owner or user of a steam boiler required by the provisions of sections 51 to 65, inclusive, to be inspected by the chief inspector, or his deputy inspectors, shall pay the inspector upon inspection ~~\$5~~ **\$10**. For the internal and external inspection of a boiler while not under pressure having a grate area of more than 10 square feet or equivalent, the fee shall be ~~\$5~~ **\$10** and, in addition, 10c for every square foot of grate area in excess of 10 square feet or equivalent. For the external inspection of a boiler while under operation conditions, the fee shall be ~~\$2.50~~ **\$3**. For the inspection of a miniature boiler, the fee shall be ~~\$2~~ **\$3**. For the hydrostatic test of any boiler except miniature boilers, a fee of \$5 shall be charged in addition to the inspection fees hereinbefore provided for, provided that not more than ~~\$12.50~~ **\$15** shall be collected for such inspection of any one boiler made for any one year exclusive of the fee for hydrostatic test unless additional inspections are required by the owners or users of the same or unless the boiler has been inspected and a certificate has been refused, withheld, or withdrawn, or unless an additional inspection is required because of the change of location of a stationary boiler. The type and size of the miniature boiler to be inspected shall be determined by the board of ~~appeals~~ **boiler**

rules. The inspector shall give receipts for said fees and shall pay all sums so received to the chief boiler inspector who shall pay the same to the commissioner, who shall turn same over to the treasurer of state to be credited to the general fund.'

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.