

MAINE STATE LEGISLATURE

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

Legislative Document

No. 225

H. P. 389

House of Representatives, January 26, 1951.

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

HARVEY R. PEASE, Clerk

Presented by Mr. Travis of Westbrook.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-ONE

AN ACT Relating to Boilers, Air Tanks and Unfired Pressure Vessels.

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

Sec. 1. R. S., c. 25, § 53, repealed and replaced. Section 53 of chapter 25 of the revised statutes is hereby repealed and the following enacted in place thereof:

‘Sec. 53. Definitions. As used in sections 51 to 69, inclusive, the following words shall have the following meanings:

“Air tank” shall mean a tank filled wholly or partly with air, which is over 10 inches in internal diameter, and which carries a gauge pressure in excess of 50 pounds.

“Approved” shall mean approved by the department.

“Code” shall mean the power boiler code, sections I and VI, or the low pressure heating boiler code, section IV, or the unfired pressure vessel code, section VIII, or the miniature boiler code, section V, of the American Society of Mechanical Engineers, the edition applying to be determined by the year of construction of the boiler or air tank.

“Deputy inspector” or “special inspector” shall mean a person holding a certificate of authority to inspect boilers within this state.

“Low pressure heating boiler” shall mean a steel or cast iron steam boiler carrying a pressure of not more than 15 pounds per square inch, or a steel or cast iron hot water heating boiler carrying a pressure of not more than 30 pounds per square inch, or a hot water supply boiler carrying a pressure of not more than 160 pounds or a temperature not exceeding 250° F. For conditions exceeding those specified, the rules for construction and setting of power boilers shall apply.

“Miniature boiler” shall mean a boiler as defined by section V of the American Society of Mechanical Engineers’ Code, the edition applying to be determined by the year of construction of the boiler or air tank.

“Power boiler” shall mean a closed vessel in which steam or vapor is generated by the application of heat and carrying a pressure in excess of 15 pounds per square inch.’

Sec. 2. R. S., c. 25, § 54, amended. Section 54 of chapter 25 of the revised statutes is hereby amended to read as follows:

‘Sec. 54. Rules and regulations. The board shall formulate rules for the safe and proper construction, installation, repair, use, and operation of ~~steam~~ boilers and air tanks in this state. The rules so formulated shall conform as nearly as practicable to the boiler code of the American Society of Mechanical Engineers and amendments and interpretations thereto made and approved by the council of the society.

Rules formulated by the board shall become effective 90 days after the date they are adopted. Any change in the rules which would raise the standards governing the methods of construction of new ~~steam~~ boilers or the quality of material used in them shall not become effective until 6 months after the date of adoption of such change in the rules, provided, however, that before any rules or regulations are adopted, a public hearing shall be held, suitable notification to be published in at least 3 newspapers throughout the state.’

Sec. 3. R. S., c. 25, § 56, amended. Section 56 of chapter 25 of the revised statutes is hereby amended to read as follows:

‘Sec. 56. Powers of chief inspector. The chief inspector is empowered:

I. To have free access for himself and his deputy or deputies during reasonable hours, to any premises in the state where a ~~steam~~ boiler or air tank is built or where a ~~steam~~ boiler, or power plant apparatus or air tank is being installed or operated, for the purpose of ascertaining

whether such boiler **or air tank** is built, installed and operated in accordance with the provisions of sections 51 to ~~65~~ **69**, inclusive.

II. To issue, suspend and revoke inspection certificates allowing ~~steam~~ boilers **or air tanks** to be operated, as provided in sections 51 to ~~65~~ **69**, inclusive.

III. To enforce the laws of the state governing the use of ~~steam~~ boilers **and air tanks** and to enforce the rules of the board of boiler rules.

IV. To keep a complete record of the type, dimensions, age, conditions, pressure allowed upon, location, and date of last inspection of all boilers **and air tanks** to which sections 51 to ~~65~~ **69**, inclusive, apply.

V. To publish and distribute among boiler **and air tank** manufacturers and others requesting them, copies of the rules adopted by the board.

VI. To hold examinations, and issue certificates of competency to inspectors who have successfully passed such examinations.'

Sec. 4. R. S., c. 25, § 57, amended. Section 57 of chapter 25 of the revised statutes is hereby amended to read as follows:

'**Sec. 57. Special inspectors; how appointed; duties.** In addition to any deputy boiler inspectors authorized and appointed under the provisions of section 55, the commissioner shall, upon the request of any company authorized to insure against loss from explosion of ~~steam~~ boilers **or air tanks** in this state, issue to the boiler inspectors of such company certificates of authority as special inspectors, provided that each inspector before receiving his certificate of authority shall pass satisfactorily the examination provided for in section 58, or, in lieu of such examination, shall hold a certificate as an inspector of ~~steam~~ boilers for a state that has a standard of examination equal to that of this state, or a certificate from the national board of boiler and pressure vessel inspectors. Said special inspectors shall receive no salary from, nor shall any of their expenses be paid by, the state, and the continuance of a special inspector's certificate shall be conditioned upon his continuing in the employ of a boiler inspection and insurance company duly authorized as aforesaid, and upon his maintenance of the standards imposed by the provisions of sections 51 to ~~65~~ **69**, inclusive. Such special inspectors shall inspect all ~~steam~~ boilers **and air tanks** insured by their respective companies, and the owners or users of such insured boilers **and air tanks** shall be exempt from the payment of the fees provided for in section 62. Each company employing such special inspectors shall within 30 days following each annual internal inspection made by such inspectors file a report of such inspection with the chief inspector.'

Sec. 5. R. S., c. 25, § 58, amended. The 1st sentence of the 2nd paragraph of section 58 of chapter 25 of the revised statutes is hereby amended to read as follows:

'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.'

Sec. 6. R. S., c. 25, § 59, amended. Section 59 of chapter 25 of the revised statutes, as amended, is hereby further amended to read as follows:

'**Sec. 59. Inspection of boilers and air tanks; certificates issued.** Each ~~steam~~ boiler or air tank used or proposed to be used within this state, except boilers and air tanks exempt under the provisions of sections 64 and 64-A, 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 or air tank 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 or air tank. Inspection certificates shall specify the maximum pressure that the boiler or air tank inspected may be allowed to carry. Such inspection certificate shall be valid for not more than 14 months from its date for boilers and 26 months for air tanks and it shall be posted under glass in the ~~engine or boiler~~ room containing such boiler or an engine operated by it air tank, or, in the case of a portable boiler or air tank, 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 or air tank for which it was issued may not continue to be operated without menace to the public safety or when the boiler or air tank 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 or air tanks insured by the company employing him. Such suspension of an inspection certificate shall continue in effect until said boiler or air tank 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 for boilers 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. **Not more than 24 months shall elapse between internal inspections of air tanks.**'

Sec. 7. R. S., c. 25, § 60, amended. Section 60 of chapter 25 of the revised statutes is hereby amended to read as follows:

'Sec. 60. Inspection certificate required; penalty. It shall be unlawful **in this state** for any person, firm, partnership or corporation to operate under pressure ~~in this state~~ a ~~steam~~ boiler or air tank to which sections 51 to ~~65~~ 69, inclusive, apply without a valid inspection certificate as provided for in said sections. The operation of a ~~steam~~ boiler or air tank without an inspection certificate shall constitute a misdemeanor on the part of the owner or user thereof and be punishable by a fine of not more than \$100, or by imprisonment for not more than 30 days, or by both such fine and imprisonment.'

Sec. 8. R. S., c. 25, § 61, amended. Section 61 of chapter 25 of the revised statutes is hereby amended to read as follows:

'Sec. 61. Rule governing installation of new boilers. No new ~~steam~~ boiler or air tank which does not conform to the rules formulated by the board of boiler rules governing new installations shall be installed in this state.

All new boilers **and air tanks** to be installed shall be inspected during construction by an inspector authorized to inspect boilers **and air tanks** in this state, or, if constructed outside the state, by an inspector holding a certificate of authority from the chief inspector of this state, or an inspector who holds a ~~certificate of inspection~~ **commission** issued by the national board of boiler and pressure vessel inspectors.'

Sec. 9. R. S., c. 25, § 62, amended. Section 62 of chapter 25 of the revised statutes, as amended, is hereby further amended to read as follows:

'Sec. 62. Inspection charge; by whom paid; disposition of. The owner or user of a ~~steam~~ power boiler required by the provisions of sections 51 to ~~65~~ 69, inclusive, to be inspected by the chief inspector, or his deputy inspectors, shall pay the inspector upon inspection \$10. For the internal and external inspection of a **power** boiler while not under pressure having a grate area of more than 10 square feet or equivalent, the fee shall be \$10 and, in addition, 10c for every square foot of grate area in excess of 10 square feet or equivalent. In cases of a specially designed boiler wherein no grate area exists, the board is hereby authorized to set the fee on the

basis of the maximum horsepower that can be generated. For the external inspection of a **power** boiler while under ~~operation~~ **operating** conditions, the fee shall be \$3. For the inspection of a miniature boiler, the fee shall be \$3. For a 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 \$20 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 boiler rules. **The board of boiler rules is hereby authorized to set reasonable fees based upon their size for the inspection of low pressure steam boilers, hot water heating boilers, hot water supply boilers and air tanks.** 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.'

Sec. 10. R. S., c. 25, § 63, amended. Section 63 of chapter 25 of the revised statutes is hereby amended to read as follows :

'**Sec. 63. Application of §§ 51-69 to boilers now in use.** The provisions of sections 51 to ~~65~~ 69, inclusive, shall not be construed as in any way preventing the use or sale of ~~steam~~ boilers in this state which shall have been installed or in use in this state prior to July 6, 1935, and which shall have been made to conform to the rules of the board of boiler rules governing existing installations and which shall have been inspected as provided for in section 59.'

Sec. 11. R. S., c. 25, § 63-A, additional. Chapter 25 of the revised statutes is hereby amended by adding thereto a new section to be numbered 63-A, to read as follows :

'**Sec. 63-A. Application of §§ 51-69 to air tanks now in use.** The provisions of sections 51 to 69, inclusive, shall not be construed as in any way preventing the use or sale of air tanks in this state which shall have been installed or in use in this state prior to the effective date of this section and which shall have been made to conform to the rules of the board of boiler rules governing existing installations and which shall have been inspected as provided for in section 59.'

Sec. 12. R. S., c. 25, § 64, amended. Section 64 of chapter 25 of the revised statutes is hereby amended to read as follows:

'Sec. 64. Exemptions for power boilers and air tanks. The provisions of sections 51 to ~~65~~ 69, inclusive, shall not apply to **power boilers or air tanks** which are under federal control; or those under the control of **either** the public utilities commission **or the insurance department**; or to boilers used solely for propelling motor road vehicles; or to boilers of steam fire engines brought into the state for temporary use in times of emergency to check conflagrations; or to boilers **or air tanks** used for agricultural purposes only; ~~or to steam heating boilers which carry pressures not exceeding 15 pounds per square inch, constructed and installed in accordance with the rules adopted by the board of boiler rules; or to boilers or air tanks used in any private dwelling; or to miniature boilers exempt by the provisions of section 62; or to receptacles temporarily holding oil and air and used solely for the purpose of lifting automobiles or aerial ladders, if said receptacle is of a type which conforms to recognized standards of engineering practice as such standards apply to receptacles designed for such purposes, or to air tanks buried under ground.'~~

Sec. 13. R. S., c. 25, § 64-A, additional. Chapter 25 of the revised statutes is hereby amended by adding thereto a new section to be numbered 64-A, to read as follows:

'Sec. 64-A. Exemptions for low pressure heating boilers. The provisions of sections 51 to 69, inclusive, shall not apply to boilers which are under federal control; or those under the control of the public utilities commission; or the insurance department; or to boilers located on farms and used solely for agricultural purposes; or to boilers located in private residences; or in apartment houses of less than 6 families.'

Sec. 14. R. S., c. 25, § 66, amended. Section 66 of chapter 25 of the revised statutes is hereby amended to read as follows:

'Sec. 66. Registration of certain boilers or air tanks; registered boilers and air tanks to be stamped; exceptions; penalty. No ~~steam boiler or unfired pressure vessel~~ subjected to a pressure of over 15 pounds to the square inch **or air tank subjected to a pressure of over 50 pounds to the square inch** shall be operated in this state unless such boiler or ~~unfired pressure vessel~~ **air tank** shall have been registered in the office of the state department of labor and industry, upon blanks to be furnished by said department, upon request, such blanks to contain information regarding maker's name, type of construction, date of construction, age, location and when last inspected, and such other information as may be required by said department.

After a ~~steam~~ boiler or air tank has been registered in the department, said department shall furnish, and the owner or user shall stamp, or have stamped, a number as given on the shell of ~~the boiler~~ steel boilers or air tanks in the space commonly used for such purposes, with letters and figures not less than $\frac{3}{8}$ $\frac{5}{16}$ of an inch high. **Cast iron boilers shall have the number stamped on a metal tag to be securely attached to the boiler.** Any person, firm or corporation who fails to so stamp or obliterates or covers such numbers shall be punished by a fine of not more than \$100.

Whoever fails to so register any ~~steam~~ boiler or ~~unfired steam pressure vessel~~ air tank shall be punished by a fine of \$10.

In case a boiler or ~~unfired steam pressure vessel~~ air tank, subject to the provisions of this section, is moved from one location to another, notice shall be given the department of such removal and of the new location in which the boiler or air tank is to be set up.

~~The provisions of this section shall not apply to boilers subject to federal inspection and control, or to boilers used in steamboats, or those under the control of the public utilities commission, or boilers used in automotive vehicles.~~

Sec. 15. R. S., c. 25, § 67, amended. Section 67 of chapter 25 of the revised statutes is hereby amended to read as follows:

'Sec. 67. Filing of inspection reports. In case a boiler or air tank is insured and inspected by a duly accredited insurance company licensed to do business in this state, a copy of the record of each internal inspection of such boiler shall be filed with the department.

In case an insurance company cancels insurance upon any ~~steam~~ boiler carrying over 15 pounds gauge pressure or air tank, or the policy expires and is not renewed, notice shall immediately be given the department. Any insurance company shall likewise notify said department immediately upon the placing of insurance on such ~~boiler~~ boilers or air tanks.'

Sec. 16. R. S., c. 25, § 68, amended. Section 68 of chapter 25 of the revised statutes is hereby amended to read as follows:

'Sec. 68. Condemned boilers and air tanks to be stamped; penalty. Every ~~steam~~ boiler or ~~unfired steam pressure vessel~~ air tank condemned in this state shall be stamped in the following manner, "XXX Me." and the department shall immediately be notified of such condemnation.

The stamp "XXX Me." placed on condemned boilers or air tanks shall be made ~~across~~ above the registration mark or number of the boiler or air

tank, or if the boiler or air tank has no registration mark or number, a stamp shall be placed in the location of this mark as determined by the rules of the American Society of Mechanical Engineers boiler and unfired pressure vessel code.

The stamping shall be done with individual letters ~~driven into the plate so far as to thoroughly cancel any previous registration and shall be made with letters~~ at least $\frac{3}{8}$ 5/16 of an inch high.

Any person who obliterates such condemnation mark shall be punished by a fine of not less than \$100.

The ~~laws~~ rules and regulations of the American Society of Mechanical Engineers boiler and unfired pressure vessel code shall be used in all mathematical computations necessary to determine the safety of a boiler or air tank.'

Sec. 17. R. S., c. 25, § 69, amended. Section 69 of chapter 25 of the revised statutes is hereby amended to read as follows:

'Sec. 69. Condemned boilers and air tanks shall not be operated; penalty. No ~~steam~~ boiler or ~~unfired steam pressure vessel~~ air tank that has been condemned for further use in this or any other state by an authorized boiler inspector employed by an insurance company or by an inspector authorized to inspect boilers by a state or the federal government shall be operated in this state ~~at a gauge pressure of over 15 pounds.~~

Whoever operates a boiler or air tank in violation of the provisions of this section shall be punished by a fine of not less than \$100.'