

# MAINE STATE LEGISLATURE

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## NINETY - EIGHTH LEGISLATURE

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### Legislative Document

No. 719

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H. P. 509 House of Representatives, February 13, 1957.  
Referred to Committee on Legal Affairs. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Curtis of Bowdoinham.

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## STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-SEVEN

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### AN ACT Revising Laws Relating to Boilers and Unfired Steam Pressure Vessels.

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

**Sec. 1. R. S., c. 30, § 67, amended.** Section 67 of chapter 30 of the Revised Statutes is hereby amended to read as follows:

**'Sec. 67. Rules and regulations.** The Board shall formulate rules for the safe and proper construction, installation, **inspection**, repair, use and operation of ~~steam~~ boilers 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~~ 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. 2. R. S., c. 30, § 68, amended.** Section 68 of chapter 30 of the Revised Statutes is hereby amended to read as follows:

**'Sec. 68. Chief and deputy inspectors.** The Commissioner shall appoint, with the approval of the Governor and Council, and may remove for cause when so appointed, a citizen of this State who shall have had, at the time of such appointment, not less than 5 years practical experience with steam boilers

as a steam engineer, mechanical engineer, boiler maker or boiler inspector, and who has passed the same kind of an examination as that prescribed for Deputy and special inspectors in section 71 to be Chief Inspector **of boilers** at any time the office may become vacant. The present incumbent may serve until removed for cause ~~as above provided~~.

The Commissioner may likewise appoint such deputy inspectors as are necessary to carry out the provisions of sections 64 to ~~79~~ 84, inclusive, from among applicants who have successfully passed the examination ~~and held certificates of competency~~ provided for in section 71.'

**Sec. 3. R. S., c. 30, § 69, amended.** Section 69 of chapter 30 of the Revised Statutes is hereby amended to read as follows:

**'Sec. 69. 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 is built or where a ~~steam~~ boiler or power plant apparatus is being installed or operated, for the purpose of ascertaining whether such boiler is built, installed and operated in accordance with the provisions of sections 64 to ~~79~~ 84, inclusive.

**II.** To issue, suspend and revoke inspection certificates allowing ~~steam~~ boilers to be operated, as provided in sections 64 to ~~79~~ 84, inclusive.

**III.** To enforce the laws of the State governing the use of ~~steam~~ boilers 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 to which sections 64 to ~~79~~ 84, inclusive, apply.

**V.** To publish and distribute among boiler 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 to establish the fitness of applicants to become authorized boiler inspectors in this State.~~

**Sec. 4. R. S., c. 30, § 70, amended.** Section 70 of chapter 30 of the Revised Statutes is hereby amended to read as follows:

**'Sec. 70. Special inspectors; duties.** In addition to any deputy boiler inspectors authorized and appointed under the provisions of section 68, the Commissioner shall, upon the request of any company authorized to insure against loss from explosion of ~~steam~~ boilers 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 71, 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. Such 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 condi-

tioned 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 64 to ~~79~~ 84, inclusive. Such special inspectors shall inspect all ~~steam~~ boilers insured by their respective companies, **to which the provisions of sections 64 to 84, inclusive, apply**, and the owners or users of such insured boilers shall be exempt from the payment of the fees provided for in section 76. Each company employing such special inspectors shall within 30 days following each ~~annual internal~~ **required** inspection made by such inspectors, file a report of such inspection with the Chief Inspector.'

**Sec. 5. R. S., c. 30, § 71, amended.** Section 71 of chapter 30 of the Revised Statutes is hereby amended to read as follows:

**'Sec. 71. Deputy and Special Inspectors to be examined.** ~~Examination~~ **The examination** for deputy inspectors and special inspectors shall be given by the Chief Inspector **of Boilers**, or by at least 2 examiners to be appointed by said Chief Inspector. The person to be examined must pay an examination fee of \$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. **The Chief Inspector shall certify to the Commissioner the names of applicants who have successfully passed the examination.** In case an applicant for an inspector's certificate of ~~competency authority~~ fails to pass this examination, he may appeal to the Board of 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.

**The fee for issuing a certificate of authority as special inspector shall be \$10 when such certificate is granted under the provisions of section 70, to a person who holds 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, and whose examination has been waived in accordance with the provisions of section 70.**

A certificate of ~~competency authority~~ may be revoked by the ~~chief inspector~~ **Commissioner of steam boilers** for the incompetence or untrustworthiness of the holder thereof or for willful 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 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 authority~~ has been revoked, shall be entitled to apply for a new examination and certificate after 90 days from such failure or revocation.'

**Sec. 6. R. S., c. 30, § 72, amended.** The first and second sentences of section 72 of chapter 30 of the Revised Statutes, as amended by section 2 of chapter 404 of the public laws of 1955, is hereby further amended to read as follows:

'Each steam boiler, ~~used or proposed to be used within this State and all~~ hot water supply boiler and hot water heating boiler ~~located in schoolhouses, and all boilers owned by municipalities used or proposed to be used within this State,~~ except boilers exempt under the provisions of section 78, shall be thoroughly inspected ~~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. Each steel boiler shall be inspected internally and externally, ~~and all normally accessible surfaces of cast iron boilers shall be cleaned for inspection.~~ Each cast iron boiler shall be inspected at all normally accessible surfaces but need not be dismantled unless in the opinion of the inspector it is necessary.'

**Sec. 7. R. S., c. 30, § 73, amended.** The second sentence of section 73 of chapter 30 of the Revised Statutes is hereby amended to read as follows:

'A temporary inspection certificate may be issued without an internal inspection being made; ~~provided, if.~~ If the boiler is insured, the temporary inspection certificate shall not be issued until recommended in writing by the authorized special inspector of the company insuring the boiler and by the Chief Inspector or one of his deputies; or, if the boiler is not insured, the temporary inspection certificate shall be recommended in writing by at least 2 authorized state inspectors.'

**Sec. 8. R. S., c. 30, § 74, amended.** Section 74 of chapter 30 of the Revised Statutes is hereby amended to read as follows:

'**Sec. 74. Inspection certificate.** It shall be unlawful for any person, firm, partnership or corporation to operate under pressure in this State a ~~steam~~ boiler to which sections 64 to ~~79~~ 84, inclusive, apply without a valid inspection certificate as provided for in said sections. The operation of ~~such a steam~~ boiler 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. 9. R. S., c. 30, § 75, amended.** The first paragraph of section 75 of chapter 30 of the Revised Statutes is hereby amended to read as follows:

'~~No new steam boiler 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 installed in this State, except boilers exempted by the provisions of section 78, shall conform to the rules governing new installations adopted by the Board of Boiler Rules.~~'

**Sec. 10. R. S., c. 30, § 76, amended.** Section 76 of chapter 30 of the Revised Statutes is hereby amended to read as follows:

'**Sec. 76. Inspection charge.** The owner or user of a steam boiler, required by the provisions of sections 64 to 79, 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 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, 10 cents 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 authorized to set the fee on the basis of the maximum horsepower that can be generated. For the external inspection of a boiler while under operation 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 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. For the inspection of a boiler, required to be inspected by the chief inspector or a deputy inspector by the provisions of sections 64 to 84, inclusive, the owner or user of said boiler shall pay the inspector the prescribed inspection fees.

For steam boilers carrying over 15 rounds pressure, the fee for an internal and external inspection while not under pressure shall be \$10, except such boilers that have a grate area of more than 10 square feet or the equivalent, the fee for such inspection shall be \$10 for the first 10 square feet plus 10 cents for every additional square foot of grate area or its equivalent. For boilers of special design wherein no grate area exists, the Board is hereby authorized to set the fee for an internal and external inspection of such boilers while not under pressure, on the basis of the maximum horsepower that can be generated. The fee for an internal and external inspection of a miniature boiler while not under pressure, shall be \$3. The type and size of miniature boiler required to be inspected shall be determined by the Board of Boiler Rules. For steam boilers carrying over 15 pounds pressure, except miniature boilers, the fee for an external inspection while under operating conditions, shall be \$3. For a hydrostatic test of any steam boiler carrying over 15 pounds pressure a fee of \$5 shall be charged in addition to the inspection fees hereinbefore provided for.

For steel steam heating boilers carrying pressures not in excess of 15 pounds, or for steel hot water heating boilers, or for steel hot water supply boilers, the fee for an internal and external inspection of such boilers while not under pressure, shall be \$10. The fee for the inspection required for the issuance of a certificate of inspection for a cast iron boiler, shall be \$5. The fee for an external inspection while under operating conditions for steel steam heating boilers carrying pressures not in excess of 15 pounds, or for steel hot water heating boilers, or for steel hot water supply boilers, or for cast iron boilers, shall be \$3.

The fees collected for the inspection of any one boiler in any one year shall not exceed \$3 for a miniature boiler, or \$20 for any other steam boiler carrying pressures in excess of 15 pounds per square inch exclusive of the fee, or fees, for any required hydrostatic test, or \$13 for a steel steam heating boiler carrying pressures not in excess of 15 pounds, or \$13 for a steel hot water heating boiler, or \$13 for a steel hot water supply boiler, or \$8 for a cast iron boiler, unless additional inspections are required of a boiler:

I. By the owners or users thereof;

II. A reinspection is necessary because a boiler has been inspected and a certificate has been refused, withheld or withdrawn; or

III. An additional inspection is required because of the change of location of a boiler.

The inspector shall give receipts for said fees and shall pay all sums so collected to the Chief Inspector of Boilers 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. 11. R. S., c. 30, § 77, amended.** Section 77 of chapter 30 of the Revised Statutes is hereby amended to read as follows:

'**Sec. 77. Application of sections 64-84 to boilers now in use.** The provisions of sections 64 to ~~79~~ 84, 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 72.'

**Sec. 12. R. S., c. 30, § 78, amended.** Section 78 of chapter 30 of the Revised Statutes is hereby amended to read as follows:

'**Sec. 78. Exemptions.** The provisions of sections 64 to ~~79~~ 84, inclusive, shall not apply to boilers which are under federal control; or those under the control of the Public Utilities Commission; 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 used for agricultural purposes only; or to steam heating boilers, ~~except boilers located in schoolhouses, 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;~~ and hot water heating boilers, and hot water supply boilers which are located in private residences or in dwellings built or altered to accommodate less than 6 families; or to miniature boilers exempt by provisions of section 76.'

**Sec. 13. R. S., c. 30, § 81, amended.** Section 81 of chapter 30 of the Revised Statutes is hereby amended to read as follows:

'**Sec. 81. Inspection reports.** In case a boiler 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~~ required 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 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. Notice by the insurance company shall immediately be given the Department upon the placing of insurance, or the termination of insurance, on any boiler to which the provisions of sections 64 to 84, inclusive, apply.