

MAINE STATE LEGISLATURE

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NEW DRAFT OF H. P. 509—L. D. 719

NINETY - EIGHTH LEGISLATURE

Legislative Document

No. 1547

H. P. 1077

House of Representatives, May 1, 1957.

Reported by Mr. Childs from Committee on Legal Affairs and printed under joint rules No. 10.

HARVEY R. PEASE, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-SEVEN

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

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

Sec. 1. 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 hold certificates of competency~~ provided for in section 71.'

Sec. 2. 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 first 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. 3. R. S., c. 30, § 73, amended. The 2nd 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. 4. 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 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. 5. 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. 6. 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 **or boilers owned by municipalities**, 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 miniature boilers exempt by the provisions of section 76.'

Sec. 7. R. S., c. 30, § 83, amended. Section 83 of chapter 30 of the Revised Statutes, as amended by section 3 of chapter 404 of the public laws of 1955, is hereby further amended to read as follows:

'Sec. 83. Operation of condemned vessels. No steam boiler or unfired steam pressure vessel 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; ~~provided further, that each.~~ **Each** steam boiler **or** unfired steam pressure vessel ~~or hot water heating boilers~~ located in a schoolhouse **or owned by a municipality**, if condemned, shall not be operated.

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