

MAINE STATE LEGISLATURE

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

Legislative Document

No. 1186

H. P. 835

House of Representatives, March 10, 1959

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

HARVEY R. PEASE, Clerk

Presented by Mr. Sanborn of Gorham.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-NINE

AN ACT Relating to Steam Engineers and Firemen.

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

Sec. 1. R. S., c. 30, § 67, amended. The first sentence of section 67 of chapter 30 of the Revised Statutes is amended to read as follows:

'The board shall formulate rules for the safe and proper construction, installation, repair, use and operation of **and the classification of licenses to be issued for the operation of** steam boilers in this State.

Sec. 2. R. S., c. 30, § 68-A, additional. Chapter 30 of the Revised Statutes is amended by adding a new section to be numbered 68-A, to read as follows:

'**Sec. 68-A. Examiners of operators or power boilers.** The commissioner may likewise appoint one or more examiners of steam engineers and firemen, the examiners to have the same qualifications as inspectors of boilers, whose duties shall be to give examinations to applicants for licenses to operate boilers with steam pressure exceeding 15 pounds per square inch. The examiners shall report to the chief inspector of boilers such persons that have satisfactorily qualified as engineers and firemen in their respective classes to safely operate power boilers, and the chief inspector of boilers shall certify those who are qualified to the commissioner who shall issue the appropriate licenses. The remuneration to be paid the examiners for their services shall be set by the commissioner.'

Sec. 3. R. S., c. 30, § 85, amended. Section 85 of chapter 30 of the Revised Statutes is amended to read as follows:

Sec. 85. Steam heating plants. Whenever any school building, church or other public building used by the public is heated by a steam plant located in, under or near such building, such steam plant shall be in charge of a person qualified as provided in the following section 86.'

Sec. 4. R. S., c. 30, § 86, amended. Section 86 of chapter 30 of the Revised Statutes is amended by adding at the end the following sentences:

'A fee of \$2 shall accompany application for certificate. Certificates shall be valid for one year from date of issue unless revoked as provided.'

Sec. 5. R. S., c. 30, § 86-A, additional. Chapter 30 of the Revised Statutes is amended by adding a new section to be numbered 86-A, to read as follows:

'Sec. 86-A. Certificate renewed; refusal; duplicate. When a person holding a certificate to operate a heating boiler shall apply for a renewal of his certificate, the presentation of the attested copy of the original certificate shall be considered sufficient evidence of the applicant's experience for a renewal, which certificate shall be retained by the municipal officers in the official files as evidence that the certificate was renewed, and a new certificate shall be issued upon the payment of a fee of \$1, unless such certificate shall have been forfeited, or unless facts shall have come to the knowledge of the municipal officers which would render a renewal improper. In such case the applicant shall be entitled to a hearing before the municipal officers. In case of loss or destruction of certificate the town or city clerk shall issue to the applicant a duplicate attested copy, upon payment of a fee of 25c.'

Sec. 6. R. S., c. 30, § 87, amended. The first sentence of section 87 of chapter 30 of the Revised Statutes is amended to read as follows:

'Whenever the municipal officers of any town or city receive notice in writing, signed by 10 or more of the residents thereof, stating that the person in charge of a steam plant located in, under or near any school building, church or other public building used by the public situated in said city or town, and furnishing or supplying heat for such building, is incompetent for the discharge of such duties, or by reason of negligence, intemperance or any other cause ought not longer to remain in charge of such steam plant, said municipal officers shall immediately suspend temporarily the authority of such person to act in said capacity; and, until the investigation herein provided can be made, shall cause a person qualified as provided by the preceding section 86 to be placed in charge of said steam plant.'

Sec. 7. R. S., c. 30, §§ 87-A - 87-D, additional. Chapter 30 of the Revised Statutes is amended by adding 4 new sections to be numbered 87-A to 87-D, to read as follows:

'Sec. 87-A. Penalty. Whoever violates any provision of sections 85 to 87-C shall be punished by a fine of not more than \$50 or by imprisonment for not more than 90 days, or by both.

Sec. 87-B. Licenses to operate power boilers. It shall be unlawful for any person or persons to operate a steam boiler with pressure in excess of 15 pounds per square inch, or where the services of an engineer or firemen are required,

without first obtaining a license from the Commissioner of Labor and Industry attesting to his competence to operate such boiler safely. This section shall not apply to the operators of heating boilers where the steam plant is not operated in excess of 15 pounds per square inch steam pressure.

Any person intending to operate a steam boiler as provided shall make application in writing to the Commissioner of Labor and Industry who will notify him in writing when to appear for examination. Each application shall be accompanied with a fee of \$20. All fees shall be credited to the Department of Labor and Industry to defray cost of holding examinations, issuing licenses and other costs incident to the enforcement of this section, and shall not lapse. Licenses shall be valid for one year from date of issue, unless revoked for cause, and may be renewed upon application in writing accompanied by a fee of \$2 and upon the commissioner being satisfied of the applicant's physical competence to continue to operate such power boilers safely.

Licenses shall be granted as follows:

First grade, horsepower unlimited;

Second grade, limited to 500 horsepower;

Third grade, limited to 200 horsepower;

Special grade, limited to engineers and firemen operating some special steam plant, and to night engineers and firemen, and to engineers handling donkey, hoisting and steam-roller engines.

A special license shall state for what purposes such license is issued and the location of the plant.

An engineer or fireman who has been granted a 2nd grade license may operate a plant as specified in the first grade under direction of an engineer or fireman who has been granted a first grade license, and an engineer or fireman who has been granted a 3rd grade license may operate a plant specified in the 2nd grade under direction of an engineer or fireman who has been granted a 2nd grade license. All persons holding engineer's or fireman's licenses issued by the United States Local Inspectors of Steam Vessels shall be exempt from sections 64 to 87-D, and said sections shall not apply to buildings owned by the United States Government.

Sec. 87-C. Incompetency; hearing; license revoked; temporary operator. When the commissioner receives information that the operator of a steam plant is incompetent to safely operate a power boiler, or by reason of neglect, intemperance or other cause, such person should no longer remain in charge of such steam plant, the commissioner may temporarily suspend his license until an investigation and hearing can be made. His license shall not be permanently revoked until the person shall have been given a written copy of the complaint and he shall have notice of the hearing at least 48 hours before the hearing is to be held. The commissioner shall cause an immediate investigation to be held, the hearing to be held as soon as practicable, and if the person is found to be incompetent to remain in charge of such steam plant shall revoke the license granted under section 87-B. Notice of such revocation of license shall

be given the person or corporation having control of such steam boiler. If after receipt of such notice, the person or corporation having control of such steam boiler shall neglect or refuse to cause such steam boiler to be placed in charge of some person qualified under section 87-B, within a reasonable time thereafter, such person or corporation shall be subject to the penalty provided in section 87-A. The person or corporation in control of such steam boiler, in case of sickness, emergency or other good and sufficient reason, may temporarily employ some competent person, not holding a license as provided to operate such steam boiler for a period not exceeding 2 weeks.

Sec. 87-D. Misconduct or gross neglect respecting steam boilers. Whoever, having charge of a boiler or other apparatus for generating steam, or other pressure vessel, through ignorance or gross neglect, creates or allows to be generated such a quantity of pressure as to break such boiler or other pressure vessel, apparatus or machinery connected therewith, or whoever intentionally loads or obstructs or causes to be loaded or obstructed in any way the safety valve of the boiler or other pressure vessel, or employs any other means or device whereby the boiler or other pressure vessel may be subjected to a greater pressure than the amount allowed by the inspector's certificate, or intentionally deranges or hinders the operation of any machinery or device employed to denote the stage of water or steam in any boiler or to give warning of approaching danger, or intentionally permits the water to fall below the prescribed low-water line of the boiler, or is directly or indirectly concerned therein, and thereby human life is destroyed, is guilty of manslaughter and shall be punished accordingly; and if human life is thereby endangered and not destroyed he shall be punished by a fine or not more than \$500 or by imprisonment for not more than 5 years, or by both.'

Sec. 8. R. S., c. 30, § 88, repealed. Section 88 of chapter 30 of the Revised Statutes is repealed.

Sec. 9. R. S., c. 97, §§ 61-69, repealed. Sections 61 to 69 of chapter 97 of the Revised Statutes are repealed.

Sec. 10. R. S., c. 130, § 9, repealed. Section 9 of chapter 130 of the Revised Statutes is repealed.