

## CHAPTER 131

### BOILERS AND PRESSURE VESSELS

#### §15101. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

**1. Approved.**

[PL 2013, c. 70, Pt. C, §1 (RP).]

**2. Authorized inspector.** "Authorized inspector" means a person holding a license to inspect boilers and pressure vessels within this State issued under section 15120.

[PL 2013, c. 70, Pt. C, §2 (AMD).]

**3. Board.**

[PL 2013, c. 70, Pt. C, §3 (RP).]

**4. Chief inspector.** "Chief inspector" means the Chief Inspector of Boilers and Pressure Vessels approved under section 15106.

[PL 1999, c. 386, Pt. W, §3 (AMD).]

**5. Code.** "Code" means the boiler and pressure vessel code of the American Society of Mechanical Engineers and amendments and interpretations made and approved by the council of the society.

[PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

**6. Commissioner.** "Commissioner" means the Commissioner of Professional and Financial Regulation.

[PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

**7. Department.** "Department" means the Department of Professional and Financial Regulation.

[PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

**8. Deputy inspector.** "Deputy inspector" means a person, employed by the State and supervised by the chief inspector, authorized to inspect boilers and pressure vessels within this State.

[PL 2013, c. 70, Pt. C, §4 (AMD).]

**8-A. Director.** "Director" means the Director of the Office of Professional and Occupational Regulation within the department.

[PL 2013, c. 70, Pt. C, §5 (NEW).]

**9. Miniature boiler.** "Miniature boiler" means a boiler as defined by the code.

[PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

**10. Schoolhouse.** "Schoolhouse" includes, but is not limited to, any structure used by schools or colleges, public or private, for the purpose of housing classrooms, gymnasiums, auditoriums or dormitories.

[PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

#### SECTION HISTORY

PL 1995, c. 560, §H14 (NEW). PL 1995, c. 560, §H17 (AFF). PL 1999, c. 386, §W3 (AMD). PL 2013, c. 70, Pt. C, §§1-5 (AMD).

#### §15101-A. Declaration of policy

It is the policy of the State to protect its citizens from unnecessary mechanical hazards in the operation of boilers and pressure vessels and to ensure that reasonable design and construction are used,

that accepted safety devices and sufficient personnel are provided and that periodic maintenance, inspections and adjustments considered essential for the safe operation of boilers and pressure vessels are made. The responsibility for design, construction, maintenance and inspection rests with the firm, person, partnership, association, corporation or company that owns boilers and pressure vessels. [PL 2013, c. 70, Pt. C, §6 (NEW).]

#### SECTION HISTORY

PL 2013, c. 70, Pt. C, §6 (NEW).

#### §15102. Exemptions

**1. Boilers.** This chapter does not apply to:

A. Boilers that are under federal control; [PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

B. Boilers used solely for propelling motor road vehicles; [PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

C. Boilers of steam fire engines brought into the State for temporary use in times of emergency to check conflagrations; [PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

D. Boilers used for agricultural purposes only; [PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

E. Steam heating boilers, hot water heating boilers and hot water supply boilers, with the exception of boilers located in schoolhouses; or [PL 2015, c. 311, §1 (AMD).]

F. Miniature boilers exempt pursuant to section 15103-A. [PL 2013, c. 70, Pt. C, §8 (AMD).]  
[PL 2015, c. 311, §1 (AMD).]

**2. Pressure vessels.** This chapter does not apply to:

A. Pressure vessels that are under federal control; [PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

B. Pressure vessels used for the transportation and storage of compressed or liquefied gases constructed in compliance with specifications of the United States Department of Transportation; [PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

C. Pressure vessels located on vehicles operating under the rules of other state authorities and used for carrying passengers or freight; [PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

D. Pressure vessels installed on the right-of-way of railroads and used directly in the operation of trains; [PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

E. Pressure vessels used solely for agricultural purposes on farms; [PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

F. Pressure vessels located in private residences and apartment houses with fewer than 6 apartments; [PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

G. Pressure vessels having an internal or external operating pressure not exceeding 15 pounds per square inch; [PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

H. Vessels for containing water under pressure, including those containing air, the compression of which serves only as a cushion, when neither of the following limitations is exceeded:

(1) A design pressure of 300 pressure pounds per square inch; or

(2) A design temperature of 210 degrees Fahrenheit; [PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

I. Pressure vessels containing water heated by steam or any other direct or indirect means when none of the following limitations are exceeded:

- (1) A heat input of 200,000 British thermal units per hour;
- (2) A water temperature of 200 degrees Fahrenheit; or
- (3) A normal water-containing capacity of 120 gallons; [PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

J. Pressure vessels that do not exceed:

- (1) Five cubic feet in volume and 250 pounds per square inch gauge pressure;
- (2) One and 1/2 cubic feet in volume and 600 pounds per square inch gauge pressure; or
- (3) An inside diameter of 6 inches with no limitation on pressure; or [PL 2003, c. 204, Pt. G, §1 (AMD).]

K. Pressure vessels that are used as an integral part of a circuit breaker or transformer. [PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

[PL 2003, c. 204, Pt. G, §1 (AMD).]

#### SECTION HISTORY

PL 1995, c. 560, §H14 (NEW). PL 1995, c. 560, §H17 (AFF). PL 1999, c. 386, §W4 (AMD). PL 2003, c. 204, §G1 (AMD). PL 2013, c. 70, Pt. C, §§7, 8 (AMD). PL 2013, c. 595, Pt. U, §11 (AMD). PL 2015, c. 311, §1 (AMD).

#### §15103. Board of Boilers and Pressure Vessels

**(REPEALED)**

#### SECTION HISTORY

PL 1995, c. 560, §H14 (NEW). PL 1995, c. 560, §H17 (AFF). PL 1999, c. 386, §W5 (AMD). PL 2007, c. 402, Pt. MM, §1 (AMD). PL 2013, c. 70, Pt. C, §9 (RP).

#### §15103-A. Director's powers and duties

**1. Regulation.** The director shall administer, coordinate and enforce this chapter. The director may appoint an advisory committee to assist the director on any matter that may arise under this chapter, as needed.

[PL 2013, c. 70, Pt. C, §10 (NEW).]

**2. Rule-making authority.** The director shall establish guidelines and adopt rules necessary for the proper administration and enforcement of this chapter. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. The rules must address, but are not limited to:

A. Requirements for the safe and proper construction, installation, repair, use and operation of boilers and pressure vessels in this State. The rules must conform as nearly as practicable to the code; [PL 2013, c. 70, Pt. C, §10 (NEW).]

B. Requirements for licensure of boiler operators, stationary steam engineers and authorized inspectors; [PL 2013, c. 70, Pt. C, §10 (NEW).]

C. Qualifications of welders performing welding on boilers and pressure vessels; [PL 2013, c. 70, Pt. C, §10 (NEW).]

D. Requirements for the method and frequency of boiler and pressure vessel inspections; [PL 2013, c. 70, Pt. C, §10 (NEW).]

E. Requirements for the nature and size of miniature boilers or pressure vessels to be inspected; [PL 2021, c. 642, §48 (AMD).]

F. Criteria by which a temporary extension of an inspection certificate beyond 14 months in the case of boilers and beyond 38 months in the case of pressure vessels may be authorized; and [PL 2021, c. 642, §49 (AMD).]

G. In accordance with Title 10, section 8003-H and any applicable rules adopted pursuant to that section, a process to issue a license by endorsement for each license authorized under this chapter that the director determines appropriate for licensure by endorsement. [PL 2021, c. 642, §50 (NEW).]

[PL 2021, c. 642, §§48-50 (AMD).]

#### SECTION HISTORY

PL 2013, c. 70, Pt. C, §10 (NEW). PL 2021, c. 642, §§48-50 (AMD).

#### **§15104. Rules**

**(REPEALED)**

#### SECTION HISTORY

PL 1995, c. 560, §H14 (NEW). PL 1995, c. 560, §H17 (AFF). PL 1999, c. 386, §W6 (RP).

#### **§15104-A. Powers and duties**

**(REPEALED)**

#### SECTION HISTORY

PL 1999, c. 386, §W7 (NEW). PL 2001, c. 573, §A1 (AMD). PL 2007, c. 402, Pt. MM, §2 (AMD). PL 2013, c. 70, Pt. C, §11 (RP).

#### **§15104-B. Appeals; variances**

A person aggrieved by an order or act of the chief inspector or a deputy inspector under this chapter may, within 15 days after notice of the order or act, appeal from the order or act to the director, who shall hold a hearing pursuant to Title 5, chapter 375, subchapter 4. After the hearing, the director shall issue an appropriate order either approving or disapproving the order or act. [PL 2013, c. 70, Pt. C, §12 (AMD).]

A person who is or will be aggrieved by the application of any law, code or rule relating to the installation or alteration of boilers and pressure vessels may file a petition for a variance, whether compliance with that provision is required at the time of filing or at the time that provision becomes effective. The filing fee for a petition for a variance must be set by the director under section 15104-C. The chief inspector may grant a variance if, owing to conditions especially affecting the particular boiler or pressure vessel involved, the enforcement of any law, code or rule relating to boilers or pressure vessels would do manifest injustice or cause substantial hardship, financial or otherwise, to the petitioner or would be unreasonable under the circumstances as long as desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of that law, code or rule. In granting a variance under this section, the chief inspector may impose limitations both of time and of use, and a continuation of the use permitted may be conditioned upon compliance with rules made and amended from time to time. A copy of the decision must be sent to all interested parties. [PL 2013, c. 70, Pt. C, §12 (AMD).]

#### SECTION HISTORY

PL 2001, c. 573, §A2 (NEW). PL 2007, c. 695, Pt. B, §20 (AMD). PL 2011, c. 286, Pt. B, §5 (REV). PL 2013, c. 70, Pt. C, §12 (AMD).

#### **§15104-C. Fees**

The director may establish by rule fees for purposes authorized under this chapter in amounts that are reasonable and necessary for their respective purposes, except that the fee for any accreditation review, facility review or inspection of any one boiler or pressure vessel may not exceed \$500, the fee for any shop inspection may not exceed \$3,000, the fee for an inspection certificate for any one boiler or pressure vessel may not exceed \$100, the fee for a late inspection or a late certificate may not exceed \$250 and the fee for any other purpose may not exceed \$150. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A. [PL 2013, c. 70, Pt. C, §13 (AMD).]

#### **SECTION HISTORY**

PL 2007, c. 402, Pt. MM, §3 (NEW). PL 2011, c. 286, Pt. B, §5 (REV). PL 2013, c. 70, Pt. C, §13 (AMD).

#### **§15105. Installation of new boilers and pressure vessels**

A new boiler or pressure vessel that does not conform to the rules adopted by the director governing new installations may not be installed in this State. [PL 2013, c. 70, Pt. C, §14 (AMD).]

Unless otherwise exempt, all new boilers and pressure vessels to be installed must be inspected during construction by an inspector authorized to inspect boilers in this State, or, if constructed outside the State, by an inspector holding a license from this State or an inspector who holds a certificate of inspection issued by the National Board of Boiler and Pressure Vessel Inspectors, or its successor or other organization approved by the director. [PL 2013, c. 70, Pt. C, §14 (AMD).]

#### **SECTION HISTORY**

PL 1995, c. 560, §H14 (NEW). PL 1995, c. 560, §H17 (AFF). PL 1999, c. 386, §W8 (AMD). PL 2007, c. 402, Pt. MM, §4 (AMD). PL 2013, c. 70, Pt. C, §14 (AMD).

#### **§15106. Chief and deputy inspectors**

The commissioner shall appoint and may remove for cause when so appointed a person to be chief inspector at any time the office may become vacant. The chief inspector must have, at the time of the appointment, not fewer than 5 years' practical experience with steam boilers as a steam engineer, mechanical engineer, boilermaker or boiler inspector as described in section 15103-A. [PL 2013, c. 70, Pt. C, §15 (AMD).]

The commissioner may likewise hire deputy inspectors as necessary to carry out this chapter. [PL 1999, c. 386, Pt. W, §9 (AMD).]

#### **SECTION HISTORY**

PL 1995, c. 560, §H14 (NEW). PL 1995, c. 560, §H17 (AFF). PL 1999, c. 386, §W9 (AMD). PL 2013, c. 70, Pt. C, §15 (AMD).

#### **§15107. Deputy and authorized inspectors to be examined**

**(REPEALED)**

#### **SECTION HISTORY**

PL 1995, c. 560, §H14 (NEW). PL 1995, c. 560, §H17 (AFF). PL 1999, c. 386, §W10 (RP).

#### **§15108. Chief and deputy inspectors to furnish bond**

**(REPEALED)**

## SECTION HISTORY

PL 1995, c. 560, §H14 (NEW). PL 1995, c. 560, §H17 (AFF). PL 1999, c. 386, §W10 (RP).

**§15108-A. Boiler and pressure vessel inspectors****(REPEALED)**

## SECTION HISTORY

PL 1999, c. 386, §W11 (NEW). PL 2001, c. 323, §35 (AMD). PL 2007, c. 695, Pt. B, §21 (AMD). PL 2013, c. 70, Pt. C, §16 (RP).

**§15108-B. Investigations of complaints; revocation of license, registration or certificate****(REPEALED)**

## SECTION HISTORY

PL 1999, c. 386, §W11 (NEW). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2001, c. 573, §A3 (AMD). PL 2007, c. 402, Pt. MM, §5 (RP).

**§15108-C. Denial or refusal to renew license; disciplinary action**

In addition to the grounds enumerated in Title 10, section 8003, subsection 5-A, paragraph A, the director may deny a license, refuse to renew a license or impose the disciplinary sanctions authorized by Title 10, section 8003, subsection 5-A for: [PL 2013, c. 70, Pt. C, §17 (AMD).]

**1. Operating under the influence.** Operating or being in charge of a plant while under the influence of intoxicating beverages or narcotic drugs; [PL 2007, c. 402, Pt. MM, §6 (NEW).]

**2. Physical or mental incapacity.** Suffering from physical or mental incapacity that would jeopardize physical property or lives in the exercise of the license; or [PL 2007, c. 402, Pt. MM, §6 (NEW).]

**3. Operating without authority.** Operating or having charge of a plant over which the licensee or applicant lacked authority. [PL 2007, c. 402, Pt. MM, §6 (NEW).]

## SECTION HISTORY

PL 2007, c. 402, Pt. MM, §6 (NEW). PL 2013, c. 70, Pt. C, §17 (AMD).

**§15109. Stationary steam engineers and boiler operators**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Capacity" means the potential output of a steam boiler designated in pounds per hour of steam flow or its equivalent based on heating surface in the applicable chapter of the code. [PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

B. [PL 2017, c. 210, Pt. H, §1 (RP).]

C. "Have charge of" means the general supervisory control over the operation and maintenance of a plant and other stationary steam engineers or other personnel engaged in the operation of the plant. [PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

D. "Operate" means to control by observation and manipulation of mechanical or automatic and remote controls equipment in connection with a plant, but does not include persons who "have charge of" the plant. [PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

E. "Plant" means heating plant, power plant or process plant. [PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

F. "#/HR" means pounds of steam per hour output or equivalent. [PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

G. "Psi" means pounds per square inch. [PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

H. "Supervise" means to have supervisory control over the operation and maintenance of a plant, other stationary steam engineers or other personnel engaged in the operation or maintenance of a plant, but does not mean "have charge of" as defined in paragraph C. [PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

[PL 2017, c. 210, Pt. H, §1 (AMD).]

## 2. Licenses.

[PL 2003, c. 597, §1 (RP).]

**2-A. Licenses.** In order to safeguard life, health and property, the director shall provide for the mandatory licensing of stationary steam engineers and boiler operators. This subsection does not apply to:

A. Persons operating boilers exempt under section 15102; [PL 2003, c. 597, §2 (NEW).]

B. Persons employed by entities under the jurisdiction of the Public Utilities Commission or the United States Nuclear Regulatory Commission, or its successor or other organization approved by the director; or [PL 2013, c. 70, Pt. C, §18 (AMD).]

C. Persons operating steam heating boilers, hot water heating boilers and hot water supply boilers located in schoolhouses or owned by municipalities. [PL 2003, c. 597, §2 (NEW).]

[PL 2013, c. 70, Pt. C, §18 (AMD).]

**3. Issuance of license.** The director shall issue a license to an applicant in the grade requested, upon payment of the application fee and license fee as set under section 15104-C, if the applicant has satisfactorily met the examination and other requirements of this section.

A. A license expires on the date set by the commissioner pursuant to Title 10, section 8003, subsection 4 for the licensing period for which the license is issued. A license may be renewed upon receipt of the application for renewal and payment of the renewal fee as set in section 15104-C.

A license may be renewed up to 90 days after the date of its expiration upon payment of a late fee in addition to the renewal fee as set under section 15104-C. Any person who submits an application for renewal more than 90 days after the license expiration date shall pay an additional late fee as set under section 15104-C and is subject to all requirements governing new applicants under this chapter, except that the director, after giving due consideration to the protection of the public, may waive examination or other requirements. Notwithstanding any other provision of this chapter, the director shall waive examination if a renewal application is made within 90 days after separation from the United States Armed Forces, under conditions other than dishonorable, by a person who has failed to renew that person's license because that person was on active duty in the Armed Forces; except that the waiver of examination may not be granted if the person served more than 4 years in the Armed Forces, except if that person is required by some mandatory provision to serve a longer period and that person submits satisfactory evidence of this mandatory provision to the director. [PL 2013, c. 70, Pt. C, §19 (AMD).]

B. [PL 2017, c. 210, Pt. H, §2 (RP).]

C. The director shall determine the eligibility for licensure of any applicant who holds a current stationary steam engineering license issued by the proper authority of any state, territory or possession of the United States, the District of Columbia or Canada that has requirements equal to those of this State and recognizes the license issued by this State without further examination. The

director shall certify as eligible for a license any applicant who holds a current Canadian marine or United States Coast Guard marine engineer's license and who has worked as a boiler engineer or operator 3 of the last 5 years prior to application. The applicant bears the burden of proving those matters necessary for a license based on reciprocity. [PL 2013, c. 70, Pt. C, §19 (AMD).]

[PL 2017, c. 210, Pt. H, §2 (AMD).]

**4. Denial or revocation of license.**

[PL 1999, c. 386, Pt. W, §13 (RP).]

**5. Examination committee.**

[PL 2007, c. 402, Pt. MM, §9 (RP).]

**5-A. Examination committee; duties.**

[PL 2007, c. 402, Pt. MM, §10 (RP).]

**6. Examinations.**

[PL 1999, c. 386, Pt. W, §16 (RP).]

**6-A. Examinations.** Applicants for licensure shall present to the director a written application for examination accompanied by the required fee as set under section 15104-C. Examinations must be in whole or in part in writing and of a thorough and practical character commensurate with the responsibilities of the prospective license holder.

The passing grade on any examination may not be less than 70%.

[PL 2013, c. 70, Pt. C, §20 (AMD).]

**7. Scope of licenses.** The scope of a boiler operator's license and 4 classes of engineering licenses is as set out in this subsection.

A. [PL 2003, c. 597, §4 (RP).]

B. The holder of a boiler operator's license may operate, supervise or have charge of a heating plant having a capacity of not more than 20,000 #/HR or operate or supervise a plant up to the capacity of the license of the engineer in charge of the plant in which the licensee is employed. The applicant for a boiler operator's license must have 6 months' operating experience prior to examination under a boiler operator's training permit. The director shall issue a permit for the purpose of gaining that experience upon receipt of the required fee as set under section 15104-C. Such a permit must be limited to a specified plant and must be limited to one year. The director may extend the permit for a period not to exceed one year under unusual circumstances. The director may allow the owner of a small plant to sit for the boiler operator's examination without first obtaining a boiler operator's training permit. [PL 2013, c. 70, Pt. C, §21 (AMD).]

C. The holder of a 4th-class engineer's license may have charge of a plant of not more than 50,000 #/HR or operate or supervise a plant up to the capacity of the license of the engineer in charge of the plant in which the licensee is employed. An applicant for a 4th-class engineer's license must be a high school graduate or have equivalent education and at least one year of operating or supervising experience under a duly licensed engineer having charge of a plant. An applicant for a 4th-class engineer's license must have at least one year operating or supervising experience as a boiler operator. [PL 2003, c. 597, §6 (AMD).]

D. The holder of a 3rd-class engineer's license may have charge of a plant of not more than 100,000 #/HR or operate or supervise a plant up to the capacity of the license of the engineer in charge of the plant in which the licensee is employed. An applicant for a 3rd-class engineer's license must have at least one year operating or supervising experience as a 4th-class engineer. [PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

E. The holder of a 2nd-class engineer's license may have charge of a plant of not more than 200,000 #/HR or operate or supervise a plant up to the capacity of the license of the engineer in charge of



the plant in which the licensee is employed. An applicant for a 2nd-class engineer's license must have at least 2 years operating or supervising experience as a 3rd-class engineer. [PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

F. The holder of a first-class engineer's license may operate, supervise or have charge of a plant of unlimited steam capacity. An applicant for a first-class engineer's license must have at least 2 years operating or supervisory experience as a 2nd-class engineer. [PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

G. One year of schooling in the field of boiler operation in a school approved by the director is equivalent to 6 months of operating experience. The director may conduct an accreditation review of the technical school. The technical school shall pay a fee for the accreditation review. [PL 2013, c. 70, Pt. C, §22 (AMD).]

H. In the event of a lack of qualified personnel in the plant in which the applicant is employed, the director may waive the operating experience requirements of the applicant for examination for the next higher grade of license. Any such license issued must be limited to that plant. [PL 2013, c. 70, Pt. C, §23 (AMD).]

I. Notwithstanding the provisions of this subsection, the director may permit an applicant to take the examination for a license if, in the director's opinion, the experience or educational qualifications, or both, of the applicant are equivalent to the operating experience required by this subsection. [PL 2013, c. 70, Pt. C, §23 (AMD).]

[PL 2013, c. 70, Pt. C, §§21-23 (AMD).]

#### **8. Rules.**

[PL 2013, c. 70, Pt. C, §24 (RP).]

#### **9. Fees.**

[PL 2007, c. 402, Pt. MM, §14 (RP).]

#### **10. Committee expenses.**

[PL 2007, c. 402, Pt. MM, §15 (RP).]

### SECTION HISTORY

PL 1995, c. 560, §H14 (NEW). PL 1995, c. 560, §H17 (AFF). PL 1997, c. 691, §2 (AMD). PL 1999, c. 127, §D5 (AFF). PL 1999, c. 386, §§W12-20 (AMD). PL 2001, c. 323, §§36-39 (AMD). PL 2001, c. 573, §A4 (AMD). PL 2003, c. 597, §§1-6 (AMD). PL 2007, c. 402, Pt. MM, §§7-15 (AMD). PL 2013, c. 70, Pt. C, §§18-24 (AMD). PL 2017, c. 210, Pt. H, §§1, 2 (AMD).

#### **§15110. Welding on boilers and pressure vessels; certificates for welders**

A welder may not make welded repairs to any boiler or pressure vessel covered by this chapter, without first receiving authorization from the chief inspector or the authorized inspector employed by the insurance company responsible for the inspection of the boiler or pressure vessel. The authorization may be in the form of a general agreement between the chief inspector or the appropriate authorized inspector and the owner or the owner's representative. [PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

The director may conduct a welding test facility review. The welding test facility shall pay the required fee for the review. [PL 2013, c. 70, Pt. C, §25 (AMD).]

### SECTION HISTORY

PL 1995, c. 560, §H14 (NEW). PL 1995, c. 560, §H17 (AFF). PL 1999, c. 386, §W21 (AMD). PL 2001, c. 323, §§40,41 (AMD). PL 2013, c. 70, Pt. C, §25 (AMD).

#### **§15111. Operation of condemned vessels**

A boiler or pressure vessel that has been condemned for further use in this or any other state by an authorized inspector employed by an insurance company or by an inspector authorized to inspect boilers by a state or the Federal Government may not be installed or operated in this State. [PL 2013, c. 70, Pt. C, §26 (AMD).]

#### SECTION HISTORY

PL 1995, c. 560, §H14 (NEW). PL 1995, c. 560, §H17 (AFF). PL 1999, c. 386, §W22 (AMD). PL 2013, c. 70, Pt. C, §26 (AMD).

#### **§15112. Condemned vessels stamped**

A boiler or pressure vessel condemned in this State must be stamped "XXX Me.," and the chief inspector must immediately be notified of the condemnation. [PL 2013, c. 70, Pt. C, §27 (AMD).]

The stamp "XXX Me." placed on condemned boilers must be made across the registration mark or number of the boiler, or if the boiler has no registration mark or number, a stamp must be placed in the location of this mark as determined by the rules of the code. [PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

The stamping must be done with individual letters, driven into the plate so far as to thoroughly cancel any previous registration and must be made with letters at least 3/8 of an inch high. [PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

The laws and regulations of the code must be used in all mathematical computations necessary to determine the safety of a boiler. [PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

#### SECTION HISTORY

PL 1995, c. 560, §H14 (NEW). PL 1995, c. 560, §H17 (AFF). PL 2013, c. 70, Pt. C, §27 (AMD).

#### **§15113. Registration; stamping**

A boiler, except one exempt under section 15102, may not be operated in this State unless the boiler is registered in the office of the director upon blanks to be furnished by the director upon request. The completed blanks must contain information regarding maker's name, type of construction, date of construction, age, location and when last inspected and other information as may be required. [PL 2013, c. 70, Pt. C, §28 (AMD).]

A pressure vessel, except those exempt under section 15102, may not be installed and operated in this State after June 30, 1974, unless it is constructed, inspected and stamped in conformity with Section VIII of the code and is registered with and approved by the director. [PL 2013, c. 70, Pt. C, §28 (AMD).]

The director may conduct shop inspections. The shop shall pay the required fee for the inspection. [PL 2013, c. 70, Pt. C, §28 (AMD).]

A pressure vessel that does not bear the code stamping may be registered with and approved by the director, if the person desiring to install the vessel makes application to the director and files a copy of the manufacturer's data report or a copy of the construction details together with material specifications for review and approval prior to installation. [PL 2013, c. 70, Pt. C, §28 (AMD).]

After a boiler or pressure vessel has been registered with the director, the director shall furnish and the owner or user shall stamp or have stamped a number as given, on the shell of the boiler in the space commonly used for such purposes, with letters and figures not less than 3/8 of an inch high. [PL 2013, c. 70, Pt. C, §28 (AMD).]

If a boiler or pressure vessel subject to this section is moved from one location to another, notice must be given to the director of the removal and of the new location in which the boiler or pressure vessel is to be set up. [PL 2017, c. 210, Pt. H, §3 (AMD).]

#### SECTION HISTORY

PL 1995, c. 560, §H14 (NEW). PL 1995, c. 560, §H17 (AFF). PL 1999, c. 386, §W23 (AMD). PL 2001, c. 323, §42 (AMD). PL 2013, c. 70, Pt. C, §28 (AMD). PL 2017, c. 210, Pt. H, §3 (AMD).

#### **§15114. Certificate required**

It is unlawful for any person, firm, partnership or corporation to operate under pressure in this State a boiler or pressure vessel to which this chapter applies without a valid inspection certificate as provided in this chapter. The operation of a boiler or pressure vessel without an inspection certificate constitutes a Class E crime on the part of the owner or user of the boiler or pressure vessel and is punishable by a fine of not more than \$100 or by imprisonment for not more than 30 days, or by both. [PL 1999, c. 386, Pt. W, §24 (AMD).]

#### SECTION HISTORY

PL 1995, c. 560, §H14 (NEW). PL 1995, c. 560, §H17 (AFF). PL 1999, c. 386, §W24 (AMD).

#### **§15115. Temporary certificate**

If an emergency affecting public safety and welfare exists, the chief inspector may issue a temporary inspection certificate for a period not exceeding 6 months after an inspection certificate has expired. A temporary inspection certificate may be issued without an internal inspection being made. If the boiler or pressure vessel is insured, the temporary inspection certificate may not be issued until recommended in writing by the authorized inspector of the company insuring the boiler or pressure vessel and by the chief inspector or one of the deputies; or, if the boiler or pressure vessel is not insured, the temporary inspection certificate must be recommended in writing by at least 2 authorized state inspectors. The provisions as to posting of the inspection certificate apply to the temporary inspection certificate. [PL 2013, c. 70, Pt. C, §29 (AMD).]

#### SECTION HISTORY

PL 1995, c. 560, §H14 (NEW). PL 1995, c. 560, §H17 (AFF). PL 1999, c. 386, §W25 (AMD). PL 2013, c. 70, Pt. C, §29 (AMD).

#### **§15116. Insurance**

When a boiler or pressure vessel is insured and inspected by a duly accredited insurance company licensed to do business in this State, a copy of the record of each certificate inspection of the boiler or pressure vessel must be filed with the director. [PL 2013, c. 70, Pt. C, §30 (AMD).]

When an insurance company cancels insurance upon any boiler or pressure vessel requiring inspection under section 15117 that is not exempt under section 15102 or the policy expires and is not renewed, notice must immediately be given to the director. An insurance company shall notify the director immediately upon insuring a boiler or pressure vessel pursuant to this section. [PL 2013, c. 70, Pt. C, §30 (AMD).]

#### SECTION HISTORY

PL 1995, c. 560, §H14 (NEW). PL 1995, c. 560, §H17 (AFF). PL 1999, c. 386, §W26 (AMD). PL 1999, c. 687, §E15 (AMD). PL 2013, c. 70, Pt. C, §30 (AMD).

#### **§15117. Inspection required; certificates issued**

Each boiler or pressure vessel used or proposed for use within this State, except boilers or pressure vessels exempt under section 15102, must be thoroughly inspected by the chief inspector, a deputy

inspector or an authorized inspector as to its design, construction, installation, condition and operation. When any boiler or pressure vessel inspected as specified by the director is found to be suitable and to conform to the rules of the director, the chief inspector shall issue to the owner or user of that boiler or pressure vessel, upon payment of a fee to the director, an inspection certificate for each boiler or pressure vessel. The fee under section 15104-C must be set by the director. Inspection certificates must specify the maximum pressure that the boiler or pressure vessel inspected is allowed to carry. The inspection certificate may be valid for not more than 14 months from the date of inspection in the case of boilers and 38 months from the date of inspection in the case of pressure vessels and must be posted under glass in the engine or boiler room containing the boiler or pressure vessel or an engine operated by it or, in the case of a portable boiler, in the office of the plant where it is temporarily located. [PL 2013, c. 70, Pt. C, §31 (AMD).]

In accordance with the provisions of the Maine Administrative Procedure Act, the chief inspector or any deputy inspector may at any time suspend an inspection certificate when, in the inspector's opinion, the boiler or pressure vessel for which it was issued may not continue to be operated without menace to the public safety. An authorized inspector has corresponding powers with respect to inspection certificates for boilers and pressure vessels insured by the company employing the inspector. [PL 2013, c. 70, Pt. C, §31 (AMD).]

#### SECTION HISTORY

PL 1995, c. 560, §H14 (NEW). PL 1995, c. 560, §H17 (AFF). PL 1999, c. 386, §W27 (AMD). PL 1999, c. 687, §E16 (AMD). PL 2001, c. 323, §43 (AMD). PL 2001, c. 573, §A5 (AMD). PL 2007, c. 695, Pt. B, §22 (AMD). PL 2013, c. 70, Pt. C, §31 (AMD).

#### **§15118. Inspection charge**

The owner or user of each boiler or pressure vessel required by this chapter to be inspected by the chief inspector or a deputy inspector shall pay an inspection fee or fees as set under section 15104-C. Not more than one inspection fee may be collected for the inspection of any one boiler or pressure vessel made in any one year, unless additional inspections are required by the owners or users of the boiler or pressure vessel or unless the boiler or pressure vessel has been inspected and an inspection certificate has been refused, withheld or withdrawn or unless an additional inspection is required because of the change of location of a stationary boiler or pressure vessel. [PL 2013, c. 70, Pt. C, §32 (AMD).]

The fees for additional inspections required by the code must be paid by the boiler owner or contractor and those fees must include the wages and expenses of the inspector. [PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

#### SECTION HISTORY

PL 1995, c. 560, §H14 (NEW). PL 1995, c. 560, §H17 (AFF). PL 1999, c. 386, §W28 (AMD). PL 2001, c. 323, §44 (AMD). PL 2007, c. 402, Pt. MM, §16 (AMD). PL 2013, c. 70, Pt. C, §32 (AMD).

#### **§15119. Powers of chief inspector**

The chief inspector may: [PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

**1. Free access to premises.** Have free access for the chief inspector or a deputy or deputy inspectors during reasonable hours to any premises in the State where a boiler or pressure vessel is built or where a boiler or pressure vessel or power plant apparatus is being installed or operated, for the purpose of ascertaining whether the boiler or pressure vessel is built, installed and operated in accordance with this chapter; [PL 1999, c. 386, Pt. W, §29 (AMD).]

**2. Inspection certificates.** Issue, suspend and revoke inspection certificates allowing boilers or pressure vessels to be operated, as provided in sections 15115 and 15117, and as provided in the Maine Administrative Procedure Act;  
[PL 2001, c. 573, Pt. A, §6 (AMD).]

**3. Enforce laws and rules.** Enforce the laws of the State governing the use of boilers and pressure vessels and enforce the rules of the director; and  
[PL 2013, c. 70, Pt. C, §33 (AMD).]

**4. Examinations and certificates of competency.**  
[PL 1999, c. 386, Pt. W, §29 (RP).]

**5. Order uninspected or unrepaired boilers and pressure vessels out of service.** In addition to the chief inspector's powers under section 15117, order that a boiler or pressure vessel be taken out of service if an inspection report is not submitted to the chief inspector as required by section 15121, subsection 1, if the inspection certificate fee is not submitted as required by section 15121, subsection 2 or if the owner fails to make repairs as required by the chief inspector.  
[PL 2013, c. 70, Pt. C, §34 (AMD).]

#### SECTION HISTORY

PL 1995, c. 560, §H14 (NEW). PL 1995, c. 560, §H17 (AFF). PL 1999, c. 386, §W29 (AMD). PL 2001, c. 573, §§A6,7 (AMD). PL 2013, c. 70, Pt. C, §§33, 34 (AMD).

#### §15120. Authorized inspectors

**1. Issue license.** The director shall, upon the request of an individual who works for a company authorized to insure against loss from explosion of boilers or pressure vessels in this State, issue to the boiler inspector of the company a license to inspect boilers and pressure vessels as an authorized inspector, upon payment of the fee as set under section 15104-C, if the boiler inspector has satisfactorily met the examination and other requirements as specified by this section and rule. The boiler inspector must have a current commission issued by the National Board of Boiler and Pressure Vessel Inspectors, or its successor.  
[PL 2013, c. 70, Pt. C, §35 (NEW).]

**2. Not entitled to compensation by State.** Authorized inspectors are not entitled to receive a salary from, nor may any of their expenses be paid by, the State.  
[PL 2013, c. 70, Pt. C, §35 (NEW).]

**3. Conditions.** The continuance of an authorized inspector's license is conditioned upon the authorized inspector continuing in the employ of a boiler inspection and insurance company duly authorized and upon maintenance of the standards imposed by this chapter.  
[PL 2013, c. 70, Pt. C, §35 (NEW).]

**4. Exempt from fees.** Authorized inspectors shall inspect all boilers and pressure vessels insured by their respective companies, and the owners or users of those insured boilers are exempt from the payment of the fees provided for in section 15118.  
[PL 2013, c. 70, Pt. C, §35 (NEW).]

**5. Additional inspections authorized.** Authorized inspectors may, with the permission of the chief inspector, also inspect boilers and pressure vessels for which an application for insurance against loss from explosion of boilers or pressure vessels has been made or when a new boiler or pressure vessel is installed at an insured location and the prospective insured owner or user is exempt from the payment of fees provided for in section 15118.  
[PL 2013, c. 70, Pt. C, §35 (NEW).]

**6. Report to chief inspector.** Each company employing authorized inspectors shall, within 30 days following each certificate inspection made by the inspectors, file a report of the inspection with the chief inspector.

[PL 2013, c. 70, Pt. C, §35 (NEW).]

#### SECTION HISTORY

PL 1995, c. 560, §H14 (NEW). PL 1995, c. 560, §H17 (AFF). PL 1999, c. 386, §W30 (AMD). PL 1999, c. 687, §E17 (AMD). PL 2001, c. 573, §A8 (AMD). PL 2007, c. 402, Pt. MM, §17 (AMD). PL 2013, c. 70, Pt. C, §35 (RPR).

#### §15121. Duties of owners of boilers and pressure vessels

**1. Responsibility for inspection.** It is the responsibility of the owner to arrange for an inspection of a boiler or pressure vessel and to prepare the boiler or pressure vessel for inspection. The late inspection fee set by the director under section 15104-C may be assessed against the owner if an inspection report is not submitted within 60 days of the expiration of the most recent inspection certificate.

[PL 2013, c. 70, Pt. C, §36 (AMD).]

**2. Obtain inspection certificate.** The owner of a boiler or pressure vessel shall submit the inspection certificate fee as set under section 15104-C within 60 days of notification from the director that the inspection report required under section 15120 has been received by the director. Failure to submit the required fee within the 60 days provided may result in the assessment of a late certificate fee as set under section 15104-C.

[PL 2013, c. 70, Pt. C, §36 (AMD).]

**3. Failure to qualify for inspection certificate.** The owner of a boiler or pressure vessel that does not qualify for an inspection certificate shall take the boiler or pressure vessel out of operation until the required repairs have been made and a new inspection certificate has been issued.

[PL 2001, c. 573, Pt. A, §9 (NEW).]

**4. Notify director when required repairs made.** The owner of a boiler or pressure vessel shall notify the director when required repairs have been made and provide the director with satisfactory evidence of completion.

[PL 2013, c. 70, Pt. C, §36 (AMD).]

**5. Notify director when boiler or pressure vessel removed.** The owner of a boiler or pressure vessel shall notify the director within 30 days of the removal of the boiler or pressure vessel.

[PL 2013, c. 70, Pt. C, §36 (AMD).]

**6. Change of ownership.** The owner of a boiler or pressure vessel shall notify the director of a transfer of ownership within 30 days of such a transfer.

[PL 2013, c. 70, Pt. C, §36 (AMD).]

**7. Failure to comply.** In addition to the remedies available under this chapter, an owner of a boiler or pressure vessel who fails to comply with the provisions of this chapter or rules adopted by the director is subject to the provisions of Title 10, section 8003, subsection 5 whether or not the boiler or pressure vessel has a current inspection certificate, except that, notwithstanding Title 10, section 8003, subsection 5, paragraph A-1, subparagraph 3, a civil penalty of up to \$3,000 may be imposed for each violation.

[PL 2013, c. 70, Pt. C, §36 (AMD).]

#### SECTION HISTORY

PL 2001, c. 573, §A9 (NEW). PL 2007, c. 402, Pt. MM, §§18, 19 (AMD). PL 2011, c. 286, Pt. B, §5 (REV). PL 2013, c. 70, Pt. C, §36 (AMD).

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