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An Act To Allow Pressure Boiler Inspections by National Board-certified Inspectors

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, it is imperative that this legislation take effect immediately because rules adopted by the Board of Environmental Protection have allowed the use of more boilers; and

Whereas, the number of state inspectors has not increased to meet the demand caused by the increase in boiler use; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 32 MRSA §15101, sub-§2, as amended by PL 1999, c. 386, Pt. W, §3, is repealed.

Sec. 2. 32 MRSA §15101, sub-§2-A is enacted to read:

2-A. Authorized inspection agency. "Authorized inspection agency" means a company accredited as an authorized inspection agency in accordance with the National Board of Boilers and Pressure Vessel Inspectors Inspection Code.

Sec. 3. 32 MRSA §15101, sub-§5-A is enacted to read:

5-A. Commissioned inspector. "Commissioned inspector" means a person who holds a license to inspect boilers and pressure vessels in this State issued under section 15108-A or a person employed by an authorized inspection agency who holds a certificate to inspect boilers and pressure vessels in this State issued under section 15120.

Sec. 4. 32 MRSA §15110, first ¶, as enacted by PL 1995, c. 560, Pt. H, §14 and affected by §17, is amended to read:

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 a~~ commissioned inspector inspecting the boiler or pressure vessel. The authorization may be in the form of a general agreement between the chief inspector or the appropriate ~~authorized~~commissioned inspector and the owner or the owner's representative.

Sec. 5. 32 MRSA §15111, as amended by PL 1999, c. 386, Pt. W, §22, is further amended to read:

§ 15111. Operation of condemned vessels

A boiler or pressure vessel that has been condemned for further use in this or any other state by a commissioned inspector or licensed boiler 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.

Sec. 6. 32 MRSA §15115, as amended by PL 1999, c. 386, Pt. W, §25, is further amended to read:

§ 15115. Temporary certificate

If an emergency affecting public safety and welfare exists, the board may authorize the chief inspector to 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~~ commissioned inspector 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~~commissioned state inspectors. The provisions as to posting of the inspection certificate apply to the temporary inspection certificate.

Sec. 7. 32 MRSA §15116, first ¶, as amended by PL 1999, c. 687, Pt. E, §15, is further amended to read:

When a boiler or pressure vessel is insured ~~and inspected~~ by a duly accredited insurance company licensed to do business in this State and inspected by an authorized inspection agency, a copy of the record of each certificate inspection of the boiler or pressure vessel must be filed with the board.

Sec. 8. 32 MRSA §15117, as amended by PL 2001, c. 573, Pt. A, §5, is further amended to read:

§ 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~~ commissioned inspector, as to its design, construction, installation, condition and operation. The board shall adopt rules pursuant to the Maine Administrative Procedure Act specifying the method and frequency of inspection. When any boiler or pressure vessel inspected as specified by the board is found to be suitable and to conform to the rules of the board, the chief inspector shall issue to the owner or user of that boiler or pressure vessel, upon payment of a fee to the board, an inspection certificate for each boiler or pressure vessel. The fee under section 15109, subsection 9 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. The board may adopt rules setting forth 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. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter ~~H~~A2-A.

In accordance with the provisions of the Maine Administrative Procedure Act, the chief inspector ~~or~~, any deputy inspector or a commissioned 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. ~~A licensed inspector has corresponding powers with respect to inspection certificates for boilers and pressure vessels insured by the company employing the inspector.~~

Sec. 9. 32 MRSA §15120, as amended by PL 2001, c. 573, Pt. A, §8, is further amended to read:

§ 15120. Commissioned inspectors; duties

The board shall, upon the request of any ~~company authorized to insure against loss from explosion of boilers or pressure vessels in this State~~ authorized inspection agency, issue to the boiler inspectors of the company certificates of authority as ~~authorized~~commissioned inspectors. Each inspector before receiving a certificate of authority must 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, or its successor organization. ~~Authorized~~Commissioned inspectors are not entitled to receive a salary from, nor may any of their expenses be paid by, the State. The continuance of an ~~authorized~~commissioned inspector's certificate is conditioned upon the ~~authorized~~commissioned inspector continuing in the employ of ~~a boiler inspection and insurance company duly authorized~~an authorized inspection agency and upon maintenance of the standards imposed by this chapter. Commissioned inspectors have the authority to inspect boilers and pressure vessels in the State and are entitled to payment of the fees provided for in section 15118. ~~Authorized inspectors shall inspect all boilers and pressure vessels insured by their respective companies, and the owners or users of those insured boilers~~Owners and operators and insurance companies of boilers and pressure vessels may contract independently for a fee with an authorized inspection agency and are exempt from the payment of the fees provided for in section 15118. ~~Authorized~~Commissioned inspectors may, with the permission of the chief inspector, also inspect boilers or 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 may contract independently for a fee with an authorized inspection agency and is exempt from the payment of fees provided for in section 15118. Each company employing ~~authorized~~commissioned inspectors shall, within 30 days following each certificate inspection made by the inspectors, file a report of the inspection with the chief inspector.

Sec. 10. Rules. The Department of Professional and Financial Regulation shall amend its rules to incorporate changes made by this Act. Rules adopted pursuant to this section are routine technical rules pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

SUMMARY

This bill amends the laws dealing with the Board of Boilers and Pressure Vessels. It changes the term "authorized inspector" to "commissioned inspector" to reflect the terms used by the National Board of Boilers and Pressure Vessel Inspectors. It defines "authorized inspection agency." It allows owners and operators of boilers and pressure vessels to contract for inspections independently for a fee with any authorized inspection agency.