

# MAINE STATE LEGISLATURE

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SEVENTY-NINTH LEGISLATURE

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SENATE

NO. 45

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In Senate, Jan. 31, 1919.

Referred to Committee on Interior Waters and 500 copies ordered printed. Sent down for concurrence.

P. F. CRANE, Secretary.

Presented by Senator Chick of Kennebec.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND  
NINE HUNDRED AND NINETEEN

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AN ACT to consolidate and revise the provisions of sections four to sixteen, inclusive, of chapter 59 of the Revised Statutes, relating to the provisions for safety on inland steamers.

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

Section 1. Sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 2 16 of chapter 59 of the Revised Statutes are hereby amended 3 by striking out all of said sections, and inserting in place 4 thereof the following, so that said sections as amended shall 5 read as follows:

'Sect. 4. The master of every boat propelled by machinery 2 navigating any lake, river, stream, pond or other inland 3 waters of this state shall have on board his vessel at all

4 times, and when navigating shall display, between sunset and  
5 sunrise, the following lights.

1. At the stern a bright white light of such a character  
2 as to be visible on a dark night, with clear atmosphere, at a  
3 distance of at least one mile and shall be so constructed as  
4 to show an unbroken light over an arc of the horizon of  
5 twenty points of the compass, so fixed as to throw the light  
6 ten points on each side of the vessel.

2. On the starboard or right side a green light, of such a  
2 character as to be visible on a dark night with a clear atmos-  
3 phere, at a distance of at least one mile, and to be so con-  
4 structed as to show a uniform and unbroken light over an  
5 arc of the horizon of ten points of the compass, and so fixed  
6 as to throw the light from right ahead to two points abaft the  
7 beam on the starboard side.

3. On the port or left side a red light of such a character  
2 as to be visible on a dark night, with a clear atmosphere,  
3 at a distance of at least one mile, and so constructed as to  
4 show a uniform and unbroken light over an arc of the hori-  
5 zon of ten points of the compass, and so fixed as to throw  
6 the light from right ahead to two points abaft the beam on  
7 the port side.

The green and red lights shall be fitted with inboard screens,  
2 so as to prevent the lights from being seen across the bow  
3 and all lights shall be not less than three inches in diameter.  
4 Provided however that in the case of small boats the in-  
5 spector may make special rules for lights of a different char-  
6 acter.'

‘Sect. 5. All vessels propelled by steam upon inland waters  
2 are subject to the following provisions; and before being  
3 so employed they shall be examined and receive the certifi-  
4 cate of the inspector authorizing their employment. All  
5 boats propelled by gasoline, gas, petroleum in any form or  
6 electricity, and used for the transporting and carrying of  
7 passengers for hire upon the inland waters of the state,  
8 shall be subject to the provisions of this and the sections  
9 immediately following. Boats kept for use or letting, either  
10 by themselves or in connection with camps, cottages or other  
11 real estate, boats used in connection with any school or camp  
12 in which boys or girls less than twenty-one years of age are  
13 received for compensation or by any officer, agent or em-  
14 ployee of such camp or school for the transportation of any  
15 of such boys or girls, shall be considered as kept for hire.  
16 The word, “motorboat,” where used in this act shall include  
17 every vessel propelled by machinery other than by steam.’

‘Sect. 6. The governor, with the advice and consent of the  
2 council, shall appoint an inspector of steamboats of suit-  
3 able qualifications to inspect vessels, their boilers, engines,  
4 hulls, appliances, devices and equipments for safety in the  
5 transportation of passengers and freight. The inspector  
6 shall continue in office for five years unless sooner removed  
7 for good cause, and may be reappointed at the expiration of  
8 his term. The inspector, with the approval of the governor  
9 and council, may appoint such assistants and clerks as in  
10 his judgment may be required. The assistants and clerks

11 shall serve during the pleasure of the inspector and shall  
12 receive such compensation as the governor and council shall  
13 direct.'

'Sect. 7. All vessels shall be constructed so that the wood  
2 work about the boilers, chimneys, fire-boxes, cook houses,  
3 stove and steam pipes exposed to ignition, shall be thor-  
4 oughly shielded by some incombustible material in such a  
5 manner as to let the air circulate freely between such material  
6 nace door in letters not less than three-eighths of an inch in  
7 spectors shall require all other necessary provisions to be  
8 made throughout such vessels as they shall judge expedient  
9 to guard against the loss or damage by fire.

No boilers shall be installed upon any such vessel after  
2 this law goes into effect until the manufacturers or owners of  
3 the vessel shall furnish the inspector with blue prints or  
4 tracings fully descriptive of same. All boilers of vertical  
5 or locomotive style shall have stamped directly above the fur-  
6 nace door in letters not less than three-eighths of an inch in  
7 height, the name of the manufacturer, place and time of  
8 manufacture, kind of plate, tensil strength of plate and thick-  
9 ness, also location of fusible plugs, and upon scotch or water  
10 tube boilers the same shall be stamped upon a plate attached  
11 to the front of boilers or casing and said letters shall never  
12 be covered. Any person who does not comply with this  
13 section shall not be given a certificate of inspection.'

'Sect. 8. Every vessel subject to the provisions of this  
2 chapter shall have her name painted on each side of bow on

3 a black background in white or gilt letters or on a white  
4 background in black letters, of not less than two inches  
5 in height. The name of a vessel shall not be changed with-  
6 out notifying the inspector. All motor boats, subject to  
7 inspection, shall be furnished free by the steamboat in-  
8 spector with two enameled iron plates containing the word,  
9 "Maine," in letters not less than one inch in height and  
10 the number of the registration in Arabic numerals not less  
11 than two inches in height, the number plates must be at-  
12 tached to each side of the bow so placed as to be always  
13 plainly visible. Upon the sale of any registered vessel  
14 the vendor shall immediately return the registration plates  
15 to the steamboat inspection department with name and ad-  
16 dress of vendee.'

'Sect. 9. All boats designated by the inspector shall have at  
2 least one good substantial boat, with life lines attached, and  
3 properly supplied with oars, and kept tight and in good condi-  
4 tion at all times and ready for immediate use. In addition  
5 thereto, such other boats shall be carried as the inspector, on  
6 account of the route or the number of passengers, may deem  
7 requisite. It shall be the duty of the master of such vessel  
8 to exercise and discipline his crew in the launching, use and  
9 management of the boats until they become skillful boatmen.

All vessels shall be provided with one life preserver, ap-  
2 proved by the inspector, for each passenger, and members  
3 of her crew. The life preservers shall be kept in convenient,  
4 accessible places in such vessel, in readiness for immediate

5 use in case of accident, and the place where the same are so  
 6 kept shall be designated in the inspector's certificate, and  
 7 pointed out by printed notices posted in such places on the  
 8 vessel as the inspector shall direct. Floats may also be re-  
 9 quired by such inspector. Each vessel shall carry such num-  
 10 ber of buckets, axes, fire extinguishers, and fire hose con-  
 11 nected to pump for use in case of fire as the inspector shall  
 12 consider necessary.

Each vessel shall be provided with permanent stairways and  
 2 other sufficient means convenient for passing from one deck  
 3 to the other, with gangways sufficiently large to allow persons  
 4 to freely pass, which shall always be open, fore and aft, of  
 5 the length of the vessel, and also to and along the guards.  
 6 No person shall obstruct gangways by freight or in any  
 7 other manner.'

'Sect. 10. The owners of each vessel inspected and certi-  
 2 fied under this chapter, shall pay to the inspector at time of  
 3 inspection a fee based upon the following schedule:

All boats up to ten tons measurement shall pay	\$5 00
All boats ten tons measurement up to fifty tons	
2 shall pay,	\$10 00
All boats fifty tons measurement up to one hun-	
2 dred tons shall pay,	\$15 00
All boats one hundred tons measurement up to	
2 two hundred tons shall pay,	\$20 00
All boats two hundred tons measurement and over	
2 shall pay,	\$25 00

Each person licensed under this act, shall pay to the in-  
2 spector the sum of two dollars for each original license and  
3 two dollars for each renewal of the same; provided, that in  
4 case of vessels under five tons measurement no fee shall be  
5 required or paid by a master, pilot, engineer, operator, or  
6 navigator on such vessel, provided, also, that in cases where  
7 the master is also pilot of the vessel he shall not be required  
8 to hold two licenses, but may act in either or both capacities  
9 under one license, such license stating on its face that he  
10 is authorized to do so. The inspectors shall account for all  
11 such sums to the governor and council, and pay the same into  
12 the treasury. The accounts of the inspectors for compensa-  
13 tions and expenses under this act, shall be audited by the  
14 state auditor.'

'Sect. 11. The inspector or assistant shall annually, or  
2 oftener, inspect every vessel of the description mentioned in  
3 the first section of this act, examine her hull, engine, boiler,  
4 boats and other equipments, apply proper tests to her boilers,  
5 ascertain how long it will be safe to use the same, determine  
6 the pressure of steam to be allowed, regulate the fusible,  
7 plugs, safety valves and steam cocks, so as to ensure safety;  
8 require such changes and repairs and improvements to be  
9 adopted and used as they shall deem prudent for the con-  
10 templated route; fix the number of passengers to be trans-  
11 ported, and no greater number shall be received or allowed  
12 at any one time, unless special permission is first obtained

13 therefor from the inspectors, under such precautions as they  
14 may deem expedient.

No person shall remove any of the equipments provided for  
2 the safety of passengers from any boat without the know-  
3 ledge and consent of the master of such vessel.

No person shall intentionally load or obstruct or cause to be  
2 loaded or obstructed in any way or manner the safety valve  
3 of the boiler, or shall employ any other means or device  
4 whereby the boiler may be subjected to a greater pressure  
5 than the amount allowed by the inspector's certificate, or  
6 shall intentionally derange or hinder the operation of any  
7 machinery or device employed to denote the stage of the  
8 water or steam in any boiler, or to give warning of approach-  
9 ing danger, or shall intentionally permit the water to fall  
10 below the prescribed low water line of the boiler.

The inspector, if satisfied that any vessel is in all respect  
2 safe and in conformity with the provisions of this act, shall  
3 give his certificate, setting forth the age of the vessel and  
4 date of inspection, the name of the master and vessel, the age  
5 of the boilers, the pressure of steam authorized to carry, the  
6 number of boats and life preservers required, the number of  
7 passengers she can transport. One copy of which certificate  
8 and of this act, shall be kept posted in some conspicuous  
9 place upon such vessel. If the inspector refuses to grant a  
10 certificate to any vessel, he shall make a statement in writing  
11 giving the reason for such refusal, and deliver the same to  
12 the owner or owners of the vessel.'

‘Sect. 12. Every person employed as master, pilot, engineer, operator or navigator on board such vessel shall be a male citizen born in the United States or naturalized who has attained the age of nineteen years. He shall be examined by the inspector as to his qualifications for the office, and if satisfied therewith, shall be granted a license for the office for one year. The license must be framed under glass and posted in some conspicuous place on board such vessel. Where it is impracticable to keep such license so posted it shall be kept on board accessible to any person demanding it. Such license shall continue in force for one year, unless revoked by the inspector for intemperance, incompetency, or a wilful violation or neglect of any of the duties of his office. Any master, pilot, engineer, operator or navigator holding a license for a similar vessel on any line owning or running more than one vessel, may under such license be employed on any vessel owned or run by the person or persons owning or running the vessel for which said officers obtained their license.’

‘Sect. 13. All vessels described in the first section of this act shall comply with all the terms and provisions of this act, and with all orders, regulations and requirements of the inspector; and if any such vessel shall be navigated without complying therewith, or without the certificate of the inspector, the owner or owners and master shall severally forfeit and pay to the state the sum of five hundred dollars for each offence, one-half to the use of the informer, unless

9 otherwise provided, for which sum the vessel so engaged  
10 shall be liable, and may be proceeded against in a qui tam  
11 action by attachment commenced within sixty days after the  
12 commission of the offence, or may be recovered by indict-  
13 ment. In case of damage by collision, fire or by explosion  
14 of steam, it shall be the duty of the inspector forthwith to  
15 investigate the cause thereof, and if found by him to have  
16 been occasioned by any violation of any of the provisions  
17 of this act, or of orders, regulations and requirements of  
18 said inspector, it shall be his duty to certify that fact to  
19 the governor, and to the county attorney, in the county where  
20 the offence shall have been committed, together with the  
21 names of the parties and witnesses, and prosecution shall  
22 forthwith be instituted against all parties liable. If any  
23 vessel described in this act is deprived of the services of any  
24 licensed officer, without the consent, fault, or collusion of the  
25 master, owner, or any person interested in the vessel, the  
26 deficiency may be temporarily supplied until others licensed  
27 can be obtained; provided, however, that the owner or owners  
28 and master of any vessel described in this act shall imme-  
29 diately notify the inspector of the expiration of the certificate  
30 for such vessel, and request a new inspection and certificate,  
31 and said inspector shall for any reason fail to make said in-  
32 spection and issue said certificate, if the vessel is entitled  
33 thereto, the owner or owners and master of said vessel or  
34 vessels shall not be liable for any of the penalties or forfeits

35 provided in this act on account of navigating said vessel or  
36 vessels without a certificate of inspection.'

'Sect. 14. If the death of any person shall be caused by  
2 such collision, explosion or fire, the executors or administra-  
3 tors for the deceased may recover therefor from the owners  
4 or master for the benefit of the widow and children, if any,  
5 of the deceased, otherwise for the benefit of his estate,  
6 such damages, not exceeding five thousand dollars, as the  
7 jury shall assess; and for the damages so recovered, a lien  
8 is hereby created upon such vessel, which shall take prece-  
9 dence of all other liens, claims, rights or interest in said ves-  
10 sel, and may be enforced by attachment against her on the  
11 original writ. Any party claiming an interest in said vessel  
12 may intervene, and on proof of any right, claim or interest  
13 therein, may be allowed to appear and defend the same;  
14 any person damaged in his person or property by such col-  
15 lision, explosion or fire shall be entitled to like remedies, to  
16 the same extent and effect, and with same proceedings for  
17 the recovery of his damages; any of the crew of said vessel,  
18 or persons in her employment, thus sustaining injury, his  
19 executors and administrators shall be entitled to all the  
20 benefit of the provisions of this section, if the jury shall be  
21 satisfied that the negligence of the party thus injured did not  
22 occasion or contribute materially to the injury; the liability  
23 of the owners shall not exceed twice the value of the vessel  
24 at the commencement of the trip upon which the injury shall  
25 be sustained; and in case the damages assessed in all the

26 cases exceed such sum, the same shall be apportioned pro  
27 rata by the court in which the suit is pending, on which the  
28 earliest attachment was made, and judgment rendered in the  
29 several cases against the owners for the proportionate amount  
30 of the double value of the vessel.

Any person operating any vessel propelled by machinery so  
2 as to endanger the lives and property of other people and  
3 having been warned not to, shall be punished as hereinafter  
4 provided.'

'Sect. 15. Any person who shall violate any of the pro-  
2 visions of the preceding sections of this law shall be pun-  
3 ished by a fine of not less than ten dollars nor more than five  
4 hundred dollars or shall be imprisoned for not exceeding  
5 one year or by both such fine and imprisonment. Municipal  
6 courts and trial justices shall have concurrent jurisdiction  
7 with the superior courts and supreme judicial courts to en-  
8 force this penalty.'

'Sect. 16. An annual appropriation of eighteen hundred  
2 dollars shall be made for the aid of navigation on the various  
3 lakes, rivers and thoroughfares for the placing of buoys, the  
4 erection of lights and the maintenance of same in the inland  
5 waters of the State of Maine. Buoys and lights shall be  
6 placed at such points in or about said waters as will best  
7 serve the needs of navigation thereon. All money herein  
8 appropriated shall be expended under the supervision of the  
9 state steamboat inspector.

No person shall moor or fasten any vessel, scow or raft  
2 to any buoy so placed.

Any person removing or destroying any buoys or lights  
2 shall immediately replace the same to the satisfaction of the  
3 steamboat inspector, and in person remove or destroy such  
4 buoys or lights and does not so replace them, shall be subject  
5 to the penalties provided in the preceding section, or in lieu  
6 thereof the steamboat inspector may accept a payment in  
7 money for the purpose of replacing buoys and lights so re-  
8 moved or destroyed and from the funds so received, replace  
9 the buoys and lights so destroyed or removed, with others  
10 equally good.'