

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

FOURTH REVISION.

THE  
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED AUGUST 29, 1883, AND TAKING EFFECT JANUARY 1, 1884.

---

BY THE AUTHORITY OF THE LEGISLATURE.



PORTLAND:  
PUBLISHED BY LORING, SHORT & HARMON  
AND  
WILLIAM M. MARKS, PRINTER.  
1884.

FARMINGTON STATE TEACHERS COLLEGE  
LIBRARY

SEC. 139. When a city or town holds stock in a railroad, the municipal officers thereof, or an agent appointed by them in writing, may vote thereon at any meeting of the corporation.

SEC. 140. Whenever any city or town in the state, in its corporate capacity, holds one fifth, or more, of the shares in the capital stock of any railroad incorporated by the legislature, any citizen thereof, being a freeholder and resident therein, is eligible as a director of such railroad company.

CHAP. 51.

Town agents may vote on town stock. R.S., c. 51, § 81. Railroads owned in part by towns, eligibility of citizens as directors. 1875, c. 35.

CONTRACTORS' LABORERS PROTECTED.

SEC. 141. Every railroad company, in making contracts for the building of its road, shall require sufficient security from the contractors for the payment of all labor thereafter performed in constructing the road by persons in their employment; and such company is liable to the laborers employed, for labor actually performed on the road, if they, within twenty days after the completion of such labor, in writing, notify its treasurer that they have not been paid by the contractors. But such liability terminates unless the laborer commences an action against the company, within six months after giving such notice.

Railroad companies shall require security for payment of laborers, and be liable to them, if duly notified. 1881, c. 23.

—termination of liability.

---

CHAPTER 52.

CORPORATIONS FOR NAVIGATION BY STEAM. COMMON CARRIERS.

OFFICERS AND THEIR DUTIES.

- SEC. 1. Officers to be stockholders; treasurer's office to be within the state.  
 2. Liability for neglect and misconduct.  
 3. Debts not to exceed half the amount of capital.  
 4. Treasurer to publish amount of capital and of debts, in January, annually. Penalty for neglect, or for publishing false statement.  
 5. If debts exceed half the amount of capital, stockholders are liable.

BAGGAGE AND FREIGHT.

- SEC. 6. Boats liable for loss or damage of property, and may be attached and sold.  
 7. Certain sections of chapter fifty-one apply to steamboats, stage coaches, and common carriers.  
 8. Merchandise, unclaimed for six months, may be sold at auction.  
 9. Thirty days' notice of sale, how to be given.  
 10. Sales to be recorded.

PROVISIONS FOR SAFETY ON INLAND STEAMERS.

- SEC. 11. All inland steamers shall be inspected. Inspector's certificate.  
 12. Inspectors, their appointment, qualifications and term.  
 13. Steamboats, how to be constructed. Duty of inspectors.  
 14. Good boats, life lines, &c., to be provided. Discipline of crews.  
 15. Life preservers required. Floats, buckets and axes to be furnished.  
 16. Stair and gangway planks to be provided. Penalty for obstructing same.  
 17. Inspectors, duty of. May require improvements to be adopted. Shall limit number of passengers. Penalty.  
 18. What inspection certificate shall specify, and how to be posted.

- CHAP. 52.** SEC. 19. Interference with safety valve declared felony. Punishment.  
 20. Officers to be licensed. Penalty. Term of license. Proviso.  
 21. Inland steamers to obey foregoing provisions. Penalty for violation. Damage by fire or steam. to be investigated by inspectors. Deficiency of licensed officers, how supplied. Proviso. When owners and master are not liable.  
 22. In case of death thereby, damages how assessed and recovered.  
 23. Inspectors' pay. Fees for inspection and license. Proviso. Accounts, how audited.

## OFFICERS AND THEIR DUTIES.

- Officers to be stockholders. R.S., c. 52, § 1. SEC. 1. Officers of corporations, created for navigation by steam, shall be stockholders therein, and their treasurers shall keep an office within the state.
- Liable for neglect and misconduct. R.S., c. 52, § 2. 57 Me., 211. SEC. 2. They are liable for breach of contracts, express or implied, made as common carriers; for their neglect and misconduct; and for that of their agents, to the same extent as owners of vessels are by the maritime law.
- Debts, limited. R.S., c. 52, § 3. SEC. 3. They shall not contract debts or incur liabilities exceeding at any time half the amount of their existing capital, estimated at its then actual value.
- Treasurer to publish annually a statement of capital and debts; penalties. R.S., c. 52, § 4. SEC. 4. Their treasurer shall publish annually in January, in a newspaper printed in the county where his office is kept, if any, otherwise in the state paper, a sworn statement, of the amount of assessments actually paid in; the amount of its then existing capital; and the amount of debts and liquidated liabilities against it. For such neglect, he shall be fined not exceeding five hundred dollars, or imprisoned not exceeding six months. For knowingly publishing a false statement with intent to injure a present or future creditor, he shall be fined not exceeding one thousand dollars, or imprisoned in jail less than one year, or in the state prison not exceeding five years, or by all of them.
- If debts exceed half of capital, stockholders liable. R.S., c. 52, § 5. SEC. 5. If the amount of indebtedness, including liquidated liabilities, exceeds, at the time when contracted, or immediately after making a dividend of capital or profits, this limitation, the stockholders become individually liable for such debts, without limitation of amount, for the time and to be enforced in the manner provided in sections thirty-seven to fifty-five, inclusive, of chapter forty-six.

## BAGGAGE AND FREIGHT.

- Boats liable for loss or damage of property transported, and may be attached. R.S., c. 52, § 6. SEC. 6. For loss or damage of property transported on a river, stream, or bay, by boat for hire, the boat is liable, whether owned or not by the person undertaking such transportation, and may be attached on a writ against him, sued out within sixty days after such loss or damage, and sold like other personal property on an execution issued on the judgment recovered in such suit, and any surplus shall be paid to the owner of the boat. Such attachment is effectual against any conveyance or lien after such loss or injury, and prior to the attachment.
- Certain sections of c. 51, apply to steamboats. SEC. 7. The provisions of section seventy-eight of chapter fifty-one, respecting payment and evading payment of fares, apply to steamboats. The effects left by passengers in steamboats shall be advertised as pro-

vided in section eighty-one of said chapter. Sections eighty-one to eighty-four, inclusive, of that chapter, apply to these corporations, and section sixty-eight of the same chapter applies to these corporations, proprietors of stage coaches, and common carriers.

SEC. 8. Whenever goods, merchandise, packages or parcels transported by any railroad, steamboat, express or stage company, remain unclaimed for six months; or goods, merchandise or other personal property remain in a public warehouse for six months after the charges thereon have been rightfully demanded and left unpaid, the same may be sold at auction to pay the charges thereon and the expense of advertising and selling.

SEC. 9. Before selling any such articles, the company holding the same shall give thirty days' notice of the time and place of sale, in a newspaper published at the place where said articles are held, if any, otherwise in a newspaper published at a place nearest thereto; said notice shall describe said articles by all such marks thereon as serve to identify them, and the proceeds of sale, after deducting all charges and expense of advertising and sale, shall be held for the persons entitled thereto.

SEC. 10. All sales under the foregoing provisions, shall be recorded in a suitable book open to the inspection of claimants, in which the articles sold shall be correctly described, and the charges and expense thereon, and the price at which they were sold, shall be entered.

#### PROVISIONS FOR SAFETY ON INLAND STEAMERS.

SEC. 11. All steamboats carrying passengers upon inland waters are subject to the following provisions; and before being so employed they shall be examined and receive the certificate of the inspectors authorizing their employment.

SEC. 12. The governor, with the advice and consent of council, shall appoint two inspectors of steamboats, of suitable qualifications, one of whom shall have a practical knowledge of ship building, and the other, of the construction and use of boilers, engines and their appurtenances; they shall be sworn to the faithful performance of their duties, and shall continue in office for five years, unless sooner removed for good cause, and may be re-appointed at the expiration of their term.

SEC. 13. All vessels mentioned in section eleven, shall be so constructed that the wood work about the boilers, chimneys, fire boxes, cook houses, stove and steam pipes, exposed to ignition, shall be so shielded by some incombustible material, that the air may circulate freely between such material and wood work, or other ignitable substances; and before granting a certificate of inspection, the inspectors shall require all other necessary provisions to be made throughout such vessel as they judge expedient to guard against loss or damage by fire.

SEC. 14. Every such vessel shall have at least one substantial boat, with life lines attached, and properly supplied with oars, and kept tight and in good condition at all times and ready for immediate use; also such other boats, if any, as the inspectors, on account of the route

#### CHAP. 52.

stages, and common carriers.  
R.S., c. 52, § 7.  
58 Me., 181.

Merchandise, unclaimed for six months, may be sold to pay charges.  
1881, c. 19.

Notice of sale, how to be given.  
1874, c. 182, § 2.

Sales to be recorded.  
1874, c. 182, § 3.

Steamboats on inland waters.  
—certificate of inspectors.  
1876, c. 148, § 1.

Inspectors, appointment and qualification of.  
1874, c. 172, § 2.

—term of office.

Steamboats, how to be constructed.  
1874, c. 172, § 3.

—inspectors shall require all necessary provisions for safety to be made.

Vessels to be supplied with good boats, life lines, &c.  
1874, c. 172, § 4.

CHAP. 52.  
—discipline  
of crews.

Life  
preservers to  
be provided.  
1874, c.172, § 5.

—floats, &c.  
—buckets  
and axes to  
be furnished.

Stairways  
and  
gangways, to  
be provided.  
1874, c.172, § 6.

—penalty for  
obstructing.

Inspectors,  
duty of.  
1874, c.172, § 7.

—may  
require  
improve-  
ments; and  
shall fix  
number of  
passengers.  
—penalty for  
violation.

Certificate of  
inspection,  
specifications  
of.  
1874, c.172, § 8.

—to be posted  
inconspic-  
uous place.

Interference  
with safety  
valve, &c.,  
is a felony.  
1874, c.172, § 9.

or the number of passengers, deem requisite, and the master of such vessel shall exercise and discipline his crew in the launching, use and management of the boats until they become skilful boatmen.

SEC. 15. Every vessel mentioned in section eleven shall be provided with a good life preserver, made of suitable material, to the acceptance of the inspectors, for every passenger which she is authorized to transport, also for every one of her crew, which life preservers shall be kept in convenient, accessible places in such vessel, in readiness for immediate use in case of accident, and the places where the same are so kept shall be designated in the inspectors' certificate, and also pointed out by printed notices posted in such places as the inspectors direct; floats may also be required by said inspectors. Every such vessel shall carry, in convenient places, at least ten buckets filled with water, with dip lines attached, and three axes in good order; but the inspectors may require a larger number of buckets and axes.

SEC. 16. Every such vessel shall be provided with permanent stairways and other sufficient means convenient for passing from one deck to the other, with gangways large enough to allow persons freely to pass, which shall always be open, fore and aft of the length of the vessel, and to and along the guards; and whoever obstructs said gangways by freight or otherwise forfeits fifty dollars.

SEC. 17. The inspectors shall annually, or oftener if they have good cause to believe it reasonable, inspect every vessel of the description mentioned in section eleven, examine carefully her hull, engine, boiler, boats and other equipments, apply proper tests to her boilers, ascertain how long it will be safe to use the same, determine the pressure of steam to be allowed, and so regulate the fusible plugs, safety valves and steam cocks, as to insure safety; and they may require such changes, repairs and improvements to be adopted and used as they deem prudent for the contemplated route; they shall also fix the number of passengers to be transported, and no greater number shall be received or allowed at any one time, under a penalty of ten dollars, to be paid by the master, for each passenger in excess of the allowed number, unless special permission is first obtained from the inspectors, under such precautions as they deem expedient.

SEC. 18. The inspectors, if satisfied that such vessel is in all respects safe and in conformity to this chapter and their requirements, shall give their certificate, setting forth the age of the vessel and date of inspection, the name of the master and vessel, the age of the boilers, the pressure of steam that she is authorized to carry, the number of boats and life preservers required, and the number of passengers that she can transport, one copy of which certificate and of the last thirteen sections of this chapter shall be kept posted in some conspicuous place upon such vessel.

SEC. 19. Whoever intentionally loads or obstructs or causes to be loaded or obstructed in any way the safety valve of the boiler, or employs any other means or device whereby the boiler may be subjected to a greater pressure than the amount allowed by the inspectors' certificate, or intentionally deranges or hinders the operation of any machinery or

## CHAP. 52.

device employed to denote the stage of the 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, is guilty of a felony, and shall be fined not exceeding five hundred dollars or imprisoned not exceeding five years; and if death is caused thereby, he is guilty of manslaughter, and shall be imprisoned not less than two nor more than ten years.

—punishment.

SEC. 20. Every person employed as master, pilot, or engineer on board such vessel, shall be examined by the inspectors as to his qualifications, and if satisfied therewith they shall grant him a license for the office for one year; said license to be framed under glass and posted in some conspicuous place on board such vessel. Whoever acts as master, pilot, or engineer without having first received such license, shall be fined fifty dollars for every day that he so acts; and such license continues in force for one year, unless revoked by the inspectors for intemperance, incompetency, or a wilful violation of duty. But any master, pilot or engineer holding a license for any such vessel on any line owning or navigating more than one vessel, may under such license be employed on any vessel owned or navigated by the persons owning or navigating the vessel for which said officer obtained his license.

Officers to be licensed. 1876, c. 148, § 2.

—penalty for neglect.

—term of license.

—officers licensed, may be employed on any vessel owned by same persons.

SEC. 21. All vessels described in section eleven shall comply with all the terms and provisions of the last thirteen sections of this chapter, and with all orders, regulations and requirements of the inspectors; and if any such vessel is navigated without complying therewith, or without the certificate of the inspectors, the owners and master severally forfeit to the State five hundred dollars for each offence, half thereof for the informer, unless otherwise provided, for which sum the vessel so engaged is liable, and may be proceeded against in a *qui tam* action by attachment commenced within sixty days after the commission of the offence, or said penalty may be recovered by indictment. In case of damage by fire or by explosion of steam, the inspectors shall forthwith investigate the cause thereof, and if found by them to have been occasioned by a violation of any of the aforesaid provisions, or of the orders, regulations and requirements of said inspectors, they shall so certify to the governor, and to the county attorney in the county where the offence was committed, together with the names of the parties and witnesses, and prosecution shall forthwith be instituted against all parties liable. But if any such vessel is deprived of the services of any licensed officer, without the consent, fault, or collusion of the master, owner, or any person interested in the vessel, the deficiency may be temporarily supplied, until another licensed officer can be obtained; *provided, however*, that if the owners and master of such vessel seasonably notify the inspectors of the expiration of her certificate, and request a new inspection and certificate, and said inspectors fail to make said inspection and issue said certificate, if the vessel is entitled thereto, such owners and master are not liable for any of the penalties provided in this chapter on account of navigating said vessels without a certificate of inspection.

What vessels must comply with this chapter. 1876, c. 148, § 3.

—penalty for violation.

—in case of damage by fire or steam, duty of inspectors to investigate the cause.

—licensed officers, deficiency of, how supplied. —proviso.

—owners and master not liable in certain cases.

SEC. 22. If the death of any person is caused by such explosion or

In case of

## CHAP. 52.

the death of any person, damages, how assessed and recovered. 1874, c. 172, § 12.

—parties interested, may defend.

—persons damaged, entitled to remedy.

—crew or employes, remedy of, for damages.

—liability of owners, limited.

—damages, how assessed.

Compensation of inspectors. 1876, c. 148, § 4.

—fees for inspection and license.

—proviso.

—inspectors to account for moneys received.

—account of, to be audited by governor and council.

fire, his executors or administrators may recover therefor from the owners or master of the vessel, for the benefit of the widow and children, if any, of the deceased, otherwise for the benefit of his estate, such damages, not exceeding five thousand dollars, as the jury assess; and for the damages so recovered, a lien is created upon such vessel, which takes precedence of all other liens, claims, rights or interest therein, and may be enforced by attachment against her on the original writ; any party claiming an interest in said vessel may intervene, and on proof of any right, claim or interest therein may be allowed to appear and defend the same; any person damaged in his person or property by such explosion or fire, is entitled to like remedies to the same extent and effect and with the same proceedings for the recovery of his damages; if any of the crew of said vessel, or persons in her employment, thus sustains injury, his executors and administrators are entitled to all the benefit of this section, if the jury are satisfied that the negligence of the party thus injured did not occasion or contribute materially to the injury; the liability of the owners shall not exceed twice the value of the vessel at the commencement of the trip upon which the injury is sustained, and if the damages assessed in all the cases exceed such sum, the same shall be apportioned pro rata by the court in which the suit wherein the earliest attachment was made, is pending, and judgment shall be rendered in the several cases against the owners for the proportionate amount of double the value of such vessel.

SEC. 23. The inspectors shall each receive from the State four dollars a day for the time actually employed under this chapter, and their actual traveling expenses. The owners of each vessel inspected and certified shall pay to the inspectors five dollars, and each person licensed shall pay two dollars for each original license, and two dollars for each renewal thereof; *provided*, that where the master is also pilot of the vessel he shall not be required to hold two licenses, but may act in either or both capacities under one license, the same stating on its face that he is authorized to do so. The inspectors shall account for all such sums to the governor and council, and pay the same into the state treasury. The accounts of the inspectors for compensation and expenses under this chapter shall be audited by the governor and council.