

MAINE STATE LEGISLATURE

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FIFTH REVISION.

THE
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED SEPTEMBER 1, 1903, AND TAKING EFFECT JANUARY 1, 1904.

BY THE AUTHORITY OF THE LEGISLATURE.



AUGUSTA :
KENNEBEC JOURNAL PRINT,
1904.

be punished by a fine not exceeding two hundred dollars, or by imprisonment not exceeding sixty days.

SEC. 29. Whoever spits upon the floor of any street car shall be fined not less than two, nor more than ten dollars to be recovered on complaint. The officers of all street railroad companies shall cause a copy of this section to be posted in their several street cars.

SEC. 30. Upon a written application by any street railroad corporation, to the municipal officers of any city or town, and hearing thereon, the municipal officers may authorize said corporation to discontinue the running of its cars, during such portion of the winter months, and upon such terms and conditions as they may determine; said corporation may appeal from such decision to the board of railroad commissioners, who shall after reasonable notice and hearing, make such a determination thereon as shall be reasonable and proper, and their decision shall be final.

Note. Conditional sale of railroad equipment, c. 52, §§ 95-98.

Provisions for fortnightly payment of wages apply to street railroads, c. 40, § 57.

Spitting on floor of cars forbidden. 1903, c. 139. —copy of law to be posted.

Municipal officers may authorize company to discontinue running of cars in winter. 1893, c. 263, § 19. —appeal may be taken to railroad commissioners.

CHAPTER 54.

CORPORATIONS FOR NAVIGATION BY STEAM. UNCLAIMED BAGGAGE AND MERCHANDISE.

SEC. 1. Treasurers of corporations created for navigation by steam shall keep an office within the state.

SEC. 2. Such corporations 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.

SEC. 3. 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.

Treasurer's office. R. S., c. 52, § 1.

Liability for neglect and misconduct. R. S., c. 52, § 2. 57 Me., 211.

Boats liable for loss or damage of property transported, and may be attached. R. S., c. 52, § 6.

PROVISIONS FOR SAFETY ON INLAND STEAMERS.

SEC. 4. All vessels propelled by steam 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. 5. The governor, with the advice and consent of the 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 continue in office for five years, unless sooner removed for good cause, and may be re-appointed at the expiration of their term.

SEC. 6. All vessels mentioned in section four, 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

Steamboats on inland waters. R. S., c. 52, § 11. 1893, c. 231, § 1.

Inspectors, their appointment and qualification. R. S., c. 52, § 12.

—term of office.

Steamboats, how to be constructed. R. S., c. 52, § 13.

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

Vessels to be supplied with good boats, life lines, etc.
R. S., c. 52, § 14.

—discipline of crews.

Life preservers.
R. S., c. 52, § 15.

—floats, etc.

—buckets and axes.
1893, c. 231, § 2.

Stairways and gangways.
R. S., c. 52, § 16.

—penalty for obstructing.

Inspectors, their duty.
R. S., c. 52, § 17.

—may require improvements.

—number of passengers.

—penalty for violation.

Certificate of inspection, specifications.
R. S., c. 52, § 18.

—to be posted.

Officers to be licensed.
R. S., c. 52, § 20.

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. 7. 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 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. 8. Every vessel mentioned in section four 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 such number of buckets and axes for use in case of fire as the inspectors shall consider necessary.

SEC. 9. 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. 10. The inspectors shall annually, or oftener if they have good cause to believe it reasonable, inspect every vessel of the description mentioned in section four, 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. 11. 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 sections four to sixteen both inclusive of this chapter shall be kept posted in some conspicuous place upon such vessel.

SEC. 12. 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 shall 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 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.

—penalty for neglect.

—term of license.

—employment on other vessels.

SEC. 13. All vessels described in section four shall comply with all the terms and provisions of sections four to fifteen both inclusive, 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 offense, 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 offense, or said penalty may be recovered by indictment. In case of damage by fire or by explosion of steam or by collision, 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 offense 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.
R. S., c. 52, § 21.

—penalty for violation.

—in case of damage by collision, fire or steam, inspectors to investigate the cause.
1889, c. 265.
1893, c. 231, § 3.

—licensed officers, deficiency, how supplied.

—proviso.

—owners and master not liable in certain cases.

SEC. 14. If the death of any person is caused by such collision, explosion or 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

In case of the death of any person, damages, how assessed and recovered.
R. S., c. 52, § 22.
1893, c. 231, § 4.

—persons damaged, entitled to remedy.

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—liability
of owners,
limited.

—damages,
how assessed.

Compensation
of inspectors.
1895, c. 146.

—fees for
inspection
and license.

—proviso.

—accounts of
inspectors.

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. 15. The inspectors shall each receive from the state, the sum of four dollars a day for the time they are actually employed under this chapter, and shall also be paid their actual traveling expenses incurred in performing the duties imposed upon them by this chapter. The owners of each vessel inspected and certified under this chapter, shall pay to the inspectors the sum of five dollars, and each person licensed under this chapter, shall pay to the inspectors the sum of two dollars for each original license, and two dollars for each renewal of the same; *provided*, that in the case of vessels of five tons of measurement or less, no fees, either for inspection or for licenses, shall be required or paid; *provided, also*, that in cases 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, such license 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.

Note. Penalty for disorderly conduct on steamboat, c. 52, §§ 80, 81; for evading payment of fare, c. 52, § 7; for loitering without right, c. 52, §§ 8, 9.

UNCLAIMED BAGGAGE AND MERCHANDISE.

Merchandise
unclaimed for
six months,
may be sold
to pay
charges.
1897, c. 217.
See c. 33, § 10.

SEC. 16. Whenever baggage, goods, merchandise, packages or parcels, transported by any railroad, steamboat, express or stage company, existing by virtue of the laws of this state, remain unclaimed for six months after its arrival at the point to which it shall have been directed, the same may be sold at auction in the city or town where said railroad, steamboat, express or stage company has its general or principal office, or where said warehouse is situated; and whenever baggage, goods, merchandise, packages or parcels transported by any railroad, steamboat, express or stage company, not existing by virtue of the laws of this state, and having no office of president, treasurer, clerk or general superintendent within this state, but doing business in this state, remain unclaimed for six months after its arrival at the point to which it shall have been directed, the same may be sold at auction, to pay the charges thereon and the expense of advertising and selling.

Notice of
sale, how
to be given.
1891, c. 42, § 2.

SEC. 17. Any company existing by virtue of the laws of this state holding any such articles or merchandise, shall before selling the same, give thirty days' notice of the time and place of sale, in four public newspapers, one published at Portland, in the county of Cumberland; one published at Augusta, in the county of Kennebec; one published at Lewiston, in the county of Androscoggin; and one published at Bangor, in the county of Penobscot; said notices shall contain a brief description and list of all such property, and shall describe such marks thereon as may serve to identify them, together with the name of the consignee and the place to which said articles were billed. Any company not existing by virtue of the laws of this state, and having no office or president, treasurer, clerk

or general superintendent, within this state, but doing business within this state, before selling any such articles or merchandise, shall give thirty days' notice of the time and place of sale, by publishing notice in some public newspaper, printed in the county where such merchandise is so held, three weeks successively, the last publication to be at least seven days before the day appointed for the sale; if no newspaper is published in the county where such articles or merchandise are so held, such notice shall be published in some newspaper in an adjoining county. Such articles or merchandise shall be sold at the place where held. The proceeds of all goods so sold, after deducting the costs of transportation, storage, advertising and sale, shall be placed to the credit of the owner, in the books of the company making the sale; and shall be paid to him on demand; and such company shall not be liable to said owner of such property for any greater sum than so received from said sale.

—disposal of proceeds.

SEC. 18. When a common carrier has transported property of a perishable nature, which cannot be kept without great deterioration or substantial destruction, to its place of destination, and has notified the owner or consignee of the arrival of the same, and the owner or consignee, after such notice, has refused or omitted to receive and take away the same and pay the freight and proper charges thereon, said carrier may, in the exercise of a reasonable discretion, sell the same at public or private sale without advertising, and the proceeds, after deducting the amount of said freight and charges and expenses of sale, shall be held for the persons entitled thereto; and if the owner or consignee cannot be found on reasonable inquiry, the sale may be made without such notice.

Common carriers may sell perishable goods which owner neglects or refuses to receive. 1893, c. 142, § 1.

SEC. 19. When a common carrier has transported livestock which can be kept only at continual expense, to its place of destination, and has notified the owner or consignee of the arrival of the same, and the owner or consignee after such notice has refused or omitted to receive and take away the same and pay the freight and proper charges thereon, said carrier may cause the same to be sold at auction to pay the freight and charges thereon, including the cost of keeping, and the expenses of advertising and selling; and if the owner or consignee cannot be found on reasonable inquiry, the carrier may cause the same to be advertised and sold as aforesaid without such notice. Before selling any such livestock, the common carrier holding the same shall give two weeks' notice of the time and place of sale in a newspaper published in the place where said livestock is held, if any; otherwise in a newspaper published at a place nearest thereto. Said notice shall reasonably describe said livestock; and the proceeds of sale, after deducting the amount of freight and charges, including the cost of keeping, and the expenses of advertising and sale, shall be held for the persons entitled thereto.

May sell livestock at auction after owner has been notified and refused to take away. 1893, c. 142, § 2.

—proceedings, when owner or consignee cannot be found.

—notice of sale, how given.

SEC. 20. 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 expenses thereon, and the price at which they were sold, shall be entered.

All sales shall be recorded. R. S., c. 52, § 10. 1893, c. 142, § 3.

TRANSPORTATION OF PROPERTY IN DISPUTE.

SEC. 21. When property is delivered to a common carrier, for transportation, and any person other than the consignor or consignee shall claim the title to such property and shall forbid its transportation, he shall forthwith give written notice to the carrier forbidding its transportation, and

Transportation of property, when the title is in dispute. 1897, c. 270.

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—proceedings.

thereupon the carrier shall be authorized to delay the transportation for the space of five days, and unless within such five days such claimant shall replevy such property, or if he shall fail to give such written notice, the carrier is authorized to proceed with the transportation of such property and shall not be liable for so transporting.

CHAPTER 55.

TELEGRAPH AND TELEPHONE COMPANIES, GAS, AND ELECTRIC LIGHT AND POWER COMPANIES.

Telegraph and telephone companies. 1895, c. 103, § 1, and other electrical, and gas companies may be organized under c. 47. 1895, c. 102, § 1. See c. 47, § 1.

—gas or electric company shall not operate in any city or town where a company is already established, without act of legislature. 1901, c. 273.

Certificate of telegraph or telephone company shall set forth route. 1895, c. 103, § 2.

—of gas or electric company shall specify cities and towns where corporation proposes to do business. 1895, c. 102, § 2.

May hold real estate. 1895, c. 102, § 4.

Telegraph and telephone companies may pass along highways and across waters on route. 1895, c. 103, §§ 3, 4. 1903, c. 141. 94 Me., 214.

—gas and electric companies may pass along highways. 1895, c. 102, § 5.

SEC. 1. Corporations for the operation of telegraphs or telephones, and corporations for the operation of both telegraphs and telephones, and corporations for the purpose of making, generating, selling, distributing and supplying gas or electricity, or both, for lighting, heating, manufacturing or mechanical purposes, in any city or town, or two or more adjoining cities or towns, within the state, or for either or any of such purposes, may be organized under the provisions of sections five to ten inclusive of chapter forty-seven. But no corporation, so organized, shall have authority, without special act of the legislature, to make, generate, sell, distribute or supply gas or electricity, or both, for any purpose, in or to any city or town, in or to which another company, person or firm are making, generating, selling, distributing or supplying, or are authorized to make, generate, sell, distribute or supply gas or electricity, or both.

SEC. 2. The certificate provided by section eight of chapter forty-seven to be prepared and filed in the secretary of state's office, by such telegraph or telephone company shall set forth, in addition to the statements required by said section, the general route of telegraph or telephone lines proposed to be constructed by such corporation and the points to be connected thereby; and the certificate to be prepared and filed by such gas or electric company shall specify, in addition to the statements required by said section, the city or town, or the adjoining cities or towns within which said corporation proposes to make, generate, sell, distribute or supply gas or electricity, or both, for the purposes named in section one of this chapter, and no corporation so organized shall be authorized to make, generate, sell, distribute or supply gas or electricity, in any city or town not specified in said certificate.

SEC. 3. Corporations organized under this chapter may purchase, hold and convey such real estate and personal property as shall be necessary for the purposes for which they are created.

SEC. 4. Every corporation organized hereunder for the purpose of operating telegraphs or telephones, may, except as herein limited, construct, maintain and operate its lines upon and along the route or routes and between the points stated in its certificate of incorporation; and may, subject to the conditions and under the restrictions provided in this chapter, construct its lines along, over, under and across any of the roads and streets and across or under any of the waters upon and along such route or routes, with all necessary erections and fixtures therefor. Every corporation organized hereunder for the purpose of making, generating, selling, distributing and supplying gas or electricity for the purposes named