

MAINE STATE LEGISLATURE

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REVISED STATUTES
OF THE
STATE OF MAINE
1954

1963 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 2

Discard Previous Supplement

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1963

after, be attached to the exercise of the privilege granted by the license such reasonable terms, conditions and limitations as the public interest may, from time to time, require. Any license issued hereunder may be suspended or revoked for cause. Applications for an original license shall be accompanied by a fee of \$25; yearly renewals and amendments requiring a public hearing, by a fee of \$15; and transfer of a license, by a fee of \$15. The funds so received by said commission shall be used to defray the expenses of said commission in connection therewith. (1961, c. 236.)

Sec. 37. Certificate holders exempted.—A license hereunder shall not be required to be obtained by a common carrier transporting passengers under a certificate issued pursuant to section 5 and such common carriers may transport between any points in the state of Maine special or charter parties under such rules and regulations as the commission shall have prescribed. (1961, c. 236.)

Sec. 38. Establishment of rules and regulations. — The commission may, from time to time, establish reasonable rules and regulations covering the operation of motor vehicles under a license granted pursuant to section 36. The commission may require holders of licenses issued under section 36 to file with the commission and publish and keep open for public inspection schedules containing all rates, fares and charges of such carriers for the transportation of persons, and any rule, regulation or provision effecting such charges and value of service thereunder, or, in the alternative, the commission may establish minimum mileage rates, and in determining such rates the commission shall consider as a part of the rate base the elements of waiting time, deadhead mileage and the type of equipment employed. (1961, c. 236.)

Sec. 39. Other applicable sections.—Sections 3, 4, 6, 9, 10, 11, 13, 14, 15, 16, 17 and 18 shall apply to operations conducted under a license issued under section 36 and wherever the term "certificate" is used therein it shall be deemed to include a license issued under section 35 and the holder thereof. (1961 c. 236.)

Chapter 49.

Corporations for Navigation by Steam.

Corporations for Navigation by Steam.

Sec. 3. Boats liable for loss or damage of property transported, and may be attached.—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 of attachment in an action against him, sued out within 60 days after such loss or damage, and sold like other personal property on an execution issued on the judgment recovered in such action. 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. (R. S. c. 45, § 3. 1959, c. 317, § 22.)

Effect of amendment.—The 1959 amendment rewrote this section.

Effective date and applicability of Public Laws 1959, c. 317. — Section 420, chapter 317, Public Laws 1959, provides as follows: "This act shall become effective December 1, 1959. It shall apply to all actions brought after December 1, 1959 and also to all fur-

ther proceedings in actions at law or suits in equity then pending, except to the extent that in the opinion of the court the application of this act in a particular action pending on December 1, 1959 would not be feasible or would work injustice, in which event the laws in effect prior to December 1, 1959 would prevail."

Safety on Inland Steamers.

Sec. 5. Definitions.

II. "Motorboat" means any vessel propelled by motive power other than steam or outboard motor. (1955, c. 281)

IV. "Vessel" means any boat or vessel operated by machinery propelled by steam or other motive power except by outboard motor. [1955, c. 281] (R. S. c. 45, § 5. 1955, c. 281.)

Effect of amendment.—The 1955 amendment added the words "or outboard motor" at the end of subsection II and the words "except by outboard motor" at the

end of subsection IV. As the rest of the section was not changed by the amendment, only subsections II and IV are set out.

Sec. 9. Registration number displayed.—Every vessel subject to registration shall display upon each side of the bow its registration number in numerals painted upon or attached thereto, in conformance with the display of boat identification numbers in chapter 36-B. (R. S. c. 45, § 9. 1963, c. 354, § 3.)

Effect of amendment.—The 1963 amendment, effective January 1, 1964, substituted "in conformance with the display of boat identification numbers in chapter 36-B" for "of suitable size and color and so placed as to be always plainly visible" at the end of the first sentence of this section and deleted the former second and third sentences.

Editor's note.—P. L. 1963, c. 354, which amended this section, provided in § 4 thereof as follows:

"Sec. 4. General savings clause. All certificates of number, all numbers, all licenses and all permits issued under the

Revised Statutes of 1954, chapter 36-A, prior to the effective date of this act which are in force immediately prior to the effective date of this act continue in force until their normal expiration date under the former law. The owners of motorboats having such certificates of number may keep the number covered by their certificate on their boats as is, as long as the prior certificates of number are in force. When such certificates of number, licenses and permits expire, the holder shall apply for new ones under the Revised Statutes of 1954, chapter 36-B."

Sec. 10. Boats, properly equipped, and life rafts carried by vessels over 30 feet in length; life preservers.—Every vessel more than 30 feet in length, measured from end to end along deck, excluding sheer, subject to registration, shall have at least 1 substantial boat, with life lines attached, properly supplied with oars, kept tight and in good condition at all times and ready for immediate use. In addition thereto, such other boats or life rafts shall be carried as the commission, on account of the route or the number of passengers, may deem requisite. It shall be the duty of the master of such vessel to exercise and discipline his crew in the launching, use and management of the boats and life rafts until they become skillful boatmen. The commission may make such rules and regulations as it deems necessary, designating what boats or life rafts, if any, shall be carried by vessels less than 30 feet in length. (1955, c. 31.)

Effect of amendment.—The 1955 amendment inserted the words "or life rafts" in the second and fourth sentences, and the words "and life rafts" in the third sen-

tence. As only the first paragraph was changed by the amendment, the rest of the section is not set out.

Sec. 14. Vessels to comply with provisions of this chapter; navigating contrary to provisions; accidents investigated.—Every vessel described in section 7 shall comply with all the terms and provisions of this chapter and with all orders, regulations and requirements of the commission. If any such vessel is navigated without complying therewith or without the certificate of the commission, the owners and master, severally, shall forfeit to the state \$500 for each offense, half thereof to the informer, unless otherwise provided, for which sum the vessel so engaged is liable and may be proceeded against by attach-

ment in a civil action commenced within 60 days after the commission of the offense, or said penalty may be recovered by indictment. In case of damage by collision, fire or explosion, the commission shall forthwith, and in other cases in its discretion the commission may, investigate the cause thereof, and if found to have been occasioned by a violation of any of the aforesaid provisions or of the orders, regulations and requirements of said commission, they shall so certify to the attorney general 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 be instituted forthwith against all parties liable. 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 supplied temporarily until another licensed officer can be obtained. Provided, however, that if the owners and master of such vessel seasonably notify the commission of the expiration of its certificate and request a new inspection and certificate and said commission fails to make said inspection and issue said certificate when the vessel is entitled thereto, such owners or master are not liable for any of the penalties provided in this chapter on account of navigating such vessel without a certificate of inspection. (R. S. c. 45, § 14. 1961, c. 317, § 123.)

Effect of amendment.—The 1961 amendment divided the first sentence of this section into two sentences and substituted “a civil action” for “a qui tam action.”

Sec. 16. General penalties; jurisdiction.—Any person who shall violate any of the provisions of this chapter for which a specific penalty is not otherwise prescribed shall be punished by a fine of not less than \$10 nor more than \$500, or by imprisonment for not more than 11 months, or by both such fine and imprisonment. The district court shall have concurrent jurisdiction with the superior court of all complaints and prosecutions under sections 1 to 15. (R. S. c. 45, § 17. 1963, c. 402, § 93.)

Effect of amendment.—The 1963 amendment rewrote the last sentence.

Application of amending act.—Section 280 of c. 402, P. L. 1963, provides that the act shall apply only to the district court

when established in a district and that the laws in effect prior to the effective date of the act shall apply to all municipal and trial justice courts.

Chapter 50.

Electric and Gas Companies. Telegraph and Telephone Companies.

Transmission of Electric Power beyond State Prohibited.

Secs. 1-2. Repealed by Public Laws 1955, c. 402.

Organization of Telegraph, Telephone, Television, Electric and Gas Companies.

Sec. 3. Organization of telegraph, telephone, television, electric and gas companies.—Corporations for the operation of telegraphs or telephones, and corporations for the operation of both telegraphs and telephones, and corporations for the transmission of television signals by wire, 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 8 to 15, inclusive, of chapter 53. No corporation so organized, or person or association shall have authority, without the consent of the public utilities