

# MAINE STATE LEGISLATURE

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REVISED STATUTES

OF THE

STATE OF MAINE

1954

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1955 SUPPLEMENT

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ANNOTATED

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IN FIVE VOLUMES

VOLUME 3

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**Place in Pocket of Corresponding  
Volume of Main Set**

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THE MICHIE COMPANY  
CHARLOTTESVILLE, VIRGINIA  
1955

distinguished from a sidewalk, as a defect therein, if the same be created by act of those having charge of the streets and allowed to remain therein, this section relieves a municipality from liability to an action for damages to any person on foot, on account of snow or ice, on any sidewalk or cross-walk. This exemption is unrestricted, is absolute and there is no ex-

ception contained therein or thereto. Verreault v. Lewiston, 150 Me. 67, 104 A. (2d) 538.

**And cannot be avoided even if snow or ice constitutes public nuisance.**—The effect of this section cannot be avoided even if the snow or ice on a sidewalk constitutes a public nuisance. Verreault v. Lewiston, 150 Me. 67, 104 A. (2d) 538.

## Chapter 97.

### Fire Departments and Fire Prevention.

#### Investigation of Fire Hazards and Causes of Fire.

**Sec. 29. Insurance commissioner may incur expense for administration of fire preventive laws; director of state fire prevention; state fire inspectors.**—The insurance commissioner may incur such expense and appoint a director of state fire prevention and such state fire inspectors, subject to provisions of the personnel law, as may be necessary to carry out the provisions of all fire preventive and investigative laws, rules and regulations which he is by law empowered to administer. He may also incur reasonable expenses in educating the public in fire prevention and protection. The director of state fire prevention and state fire inspectors appointed under the provisions of this section shall carry out those functions which the commissioner may direct. State supervising fire inspectors shall have the same powers and duties throughout the several counties of the state as sheriffs have in their respective counties relating to fire prevention, arson and other burnings. Their power and duties shall include the duty to inquire into and arrest for violations of any of the provisions of this chapter, and to arrest for impersonation of or interference with fire inspectors. Every fire insurance company or association which does business or collects premiums or assessments in the state shall pay to the state tax assessor on the 1st day of May, annually, in addition to the taxes now imposed by law to be paid by such companies or associations,  $\frac{1}{2}$  of 1% of the gross direct premiums for fire risks written in the state during the preceding calendar year, less the amount of all direct return premiums thereon and all dividends paid to policyholders on direct fire premiums during said calendar year. The state tax assessor shall pay over all receipts from such tax to the treasurer of state daily. Said funds shall be used solely to defray the expenses incurred by the insurance commissioner in administering all fire preventive and investigative laws, rules and regulations and in educating the public in fire safety and are appropriated for such purposes. (1955, c. 166.)

**Effect of amendment.**—The 1955 amendment inserted the fourth and fifth sentences in the first paragraph. As the sec-

ond paragraph was not changed by the amendment, it is not set out.

#### Fire Prevention.

**Sec. 36.** Repealed by Public Laws 1955, c. 406, § 3.

**Cross reference.**—See c. 36, § 94-A, for present provisions re kindling fires on land of another.

**Sec. 43-A. Transportation of explosives.**—As a condition to the granting of a permit or license to transport explosives, the insurance commissioner may require that the vehicle used in transportation of explosives may be accom-

panied by a representative of the commissioner, who shall be paid mileage by the person to whom the license is issued at the rate allowed to fire inspectors by the state for the use of his car. This condition is not applicable to loads of 4,000 pounds or less. Explosives referred to herein shall not include petroleum products. (1955, c. 201.)

**Sec. 48-A. Construction permit, when required.**—No person, firm or corporation shall construct a public building, schoolhouse, hospital, convalescent home, nursing home, theater or other place of public assembly to which admission is to be charged or any building to be state owned or operated, without first obtaining from the insurance commissioner a permit therefor; and if any such building be damaged by fire or otherwise to the extent of 50% or more, no person, firm or corporation shall repair or reconstruct such building without first obtaining from the insurance commissioner a permit therefor. A request for a permit shall be accompanied by a true copy of the plans and specifications for such construction or reconstruction. The commissioner shall issue a permit only if the plans comply with statutes and lawful regulations promulgated to reduce fire hazards. (1955, c. 358.)

**Sec. 48-B. Penalty for violation of section 48-A.**—Whoever shall construct or reconstruct a public building, schoolhouse, hospital, convalescent home, nursing home, theater or other place of public assembly to which admission is to be charged or any building to be owned or operated by the state, without first obtaining the permit required by the preceding section, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not more than \$100. (1955, c. 358.)

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## Chapter 98.

### Harbor Masters. Wharves and Fish Weirs.

#### Wharves and Fish Weirs.

**Sec. 7. Application for license to build or extend wharves and fish weirs.**—Any person intending to build or extend any wharf, fish weir or trap in tidewaters, within the limits of any city or town, may apply in writing to the municipal officers thereof, stating the location, limits and boundaries, as nearly as may be, of such intended erection or extension, and asking license therefor. Upon receiving such application, said officers shall give at least 3 days' public notice thereof in a newspaper, published in the town, or, if there be no newspaper published in the town, in a newspaper published within the county, and shall therein designate a day and time on which they will meet on or near the premises described, to examine the same and hear all parties interested. If, upon such examination and hearing of all parties interested, said officers decide that such erection or extension would not be an obstruction to navigation or injury to the rights of others, and determine to allow the same, they shall issue a license under their hands to the applicant, authorizing him to make such an erection or extension, and to maintain the same within the limits mentioned in such license; the applicant for license to build or extend a fish weir or trap as aforesaid shall first give bond to the town, with sureties, in the sum of \$500, conditioned that upon the termination of such license he shall remove all stakes and brush from the location therein described. Said municipal officers shall, within 10 days after the date of hearing, give written notice by registered mail of their decision to all parties interested. Any person aggrieved by the decision of the municipal officers, in either granting or refusing to grant a license as hereinbefore provided, may appeal to any justice of the superior court within 10 days after the mailing of such written notice. On receiving such an appeal, said justice in term time or in