

# 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)

*Maine*  
REVISED STATUTES  
1964

*Prepared Under the Supervision  
of the  
Committee on Revision of Statutes*

Being the Tenth Revision of the  
Revised Statutes of the State  
of Maine, 1964

Volume 4  
Titles 21 to 25



Boston, Mass.  
Boston Law Book Co.

Orford, N. H.  
Equity Publishing Corporation

St. Paul, Minn.  
West Publishing Co.

Text of Revised Statutes  
Copyright © 1964  
by  
State of Maine

This is a historical version of the Maine Revised Statutes that may not reflect the current state of the law. For the most current version, go to:

<http://legislature.maine.gov/legis/statutes/>

## CHAPTER 317

## PREVENTIVE MEASURES AND RESTRICTIONS

Sec.

- 2431. Restriction of certain occupations in maritime towns.
- 2432. Removal or repair of defective chimneys, stoves, boilers and the like.
- 2433. Smoking restrictions.
- 2434. Throwing fire hazard substances on highways forbidden.
- 2435. Kindling fire with intent to injure another.
- 2436. Time and manner for kindling lawful fires.
- 2437. Lumber drivers may kindle necessary fires.
- 2438. Extinguishment of camp, cooking or other fires; fines.
- 2439. Common law remedy preserved.
- 2440. Penalties; recovery and appropriation.
- 2441. Explosives or inflammables; regulations.
- 2442. Recovery of damages for explosion.
- 2443. Search for explosives.
- 2444. Transportation of explosives.
- 2445. Standards for installing gas appliances.
- 2446. Approval of certain appliances.
- 2447. Approval of certain compounds.
- 2448. Construction permit; when required.
- 2449. Penalty.
- 2450. Examinations by Division of State Fire Prevention.
- 2451. Doors of public buildings to open outwards.
- 2452. Exits.
- 2453. Fire escapes; appeals.
- 2454. —Inspections.
- 2455. Notice as to sufficiency of safeguards.
- 2456. Failure to comply with orders for safeguards.
- 2457. Certificate of sufficiency of safeguards; compensation for inspection; return.
- 2458. Certificate to be posted in building.
- 2459. Town officers' refusal to perform duties.
- 2460. Fines.
- 2461. Investigation by state factory inspector or Insurance Commissioner.
- 2462. Plundering at fires as larceny.

**§ 2431. Restriction of certain occupations in maritime towns**

No person shall occupy any tenement in a maritime town for sailmaking, rigging or as a livery stable, except where the

municipal officers direct. Whoever violates this section forfeits \$10 a month during the continuance of such occupancy.

R.S.1954, c. 97, § 32.

**§ 2432. Removal or repair of defective chimneys, stoves, boilers and the like**

On complaint of any citizen that a chimney, stove, stove-pipe, oven, furnace, boiler or appurtenance is defective, out of repair or so placed in any building as to endanger it or any other building, the Insurance Commissioner or municipal officers of any town of not more than 2,000 inhabitants, if satisfied that such complaint is well founded, shall give written notice to the owner or occupant of such building, and if he unnecessarily neglects for 3 days to remove or repair the same effectually, he forfeits not less than \$10 nor more than \$100.

R.S.1954, c. 97, § 33.

**§ 2433. Smoking restrictions**

No person shall enter any mill, millyard, passenger bus or portion thereof, factory, machine shop, shipyard, covered bridge, stable or other building with a lighted pipe, cigarette or cigar, or shall light or smoke any pipe, cigarette or cigar therein under a penalty of \$5, if a notice in plain legible characters that no smoking is allowed therein is kept in a conspicuous position over or near each principal entrance to such building or place. Whoever defaces, removes or destroys such notice forfeits \$10. This section shall not apply to passenger buses except when operated upon routes authorized by a certificate issued by the Public Utilities Commission.

R.S.1954, c. 97, § 34.

**§ 2434. Throwing fire hazard substances on highways forbidden**

It shall be unlawful to drop or throw from any vehicle upon a public or private way a lighted cigarette, cigar, match or live ashes or any substance or thing in and of itself likely to cause a fire.

Whoever violates this section shall be punished by a fine of not less than \$10 nor more than \$50.

R.S.1954, c. 97, § 35.

**§ 2435. Kindling fire with intent to injure another**

Whoever with intent to injure another causes a fire to be kindled on his own or another's land, whereby the property of any other person is injured or destroyed, shall be punished by a fine of not less than \$20 nor more than \$1,000, or by imprisonment for not less than 3 months nor more than 3 years.

R.S.1954, c. 97, § 37.

**§ 2436. Time and manner for kindling lawful fires**

Whoever for a lawful purpose kindles a fire on his own land shall do so at a suitable time and in a careful and prudent manner; and is liable in a civil action to any person injured by his failure to comply with this provision.

R.S.1954, c. 97, § 38; 1961, c. 317, § 288.

**§ 2437. Lumber drivers may kindle necessary fires**

Persons engaged in driving lumber may kindle fires when necessary, but shall use the utmost caution to prevent them from spreading and doing damage, and if they fail to do so, they are subject to all the foregoing liabilities and penalties, as if said privilege had not been allowed.

R.S.1954, c. 97, § 39.

**§ 2438. Extinguishment of camp, cooking or other fires; fines**

Whoever by himself, or by his servant, agent or guide, or as the servant, agent or guide of any other person, shall build a camp, cooking or other fire, or use an abandoned camp, cooking or other fire in or adjacent to any woods in this State, shall, before leaving such fire, totally extinguish the same, and upon failure to do so such person shall be punished by a fine of \$50. Such fires built upon the sea beach in such situation that they cannot spread into forest land, woodland or cultivated lands or meadows shall not be construed as prohibited by this section. One-half of any fine imposed and collected under this section shall be paid to the complainant.

The penalty imposed by this section shall not be considered a substitute.

R.S.1954, c. 97, § 40.

**§ 2439. Common law remedy preserved**

The common law right to an action for damages done by fires is not taken away or diminished and it may be pursued notwithstanding the penalties set forth in chapters 311 to 321, but any person availing himself of section 2436 is barred of his action at common law for the damage so sued for. No action shall be brought at common law for kindling fires in the manner described in section 2437; but if such fire spreads and does damage, the person who kindled it and any persons present and concerned in driving the lumber, by whose act or neglect such fire is suffered to do damage, are liable in a civil action for such damage.

R.S.1954, c. 97, § 41; 1961, c. 317, § 289.

**§ 2440. Penalties; recovery and appropriation**

Penalties provided in sections 2431 to 2437 and section 2439 may be recovered by complaint, indictment or civil action,  $\frac{1}{2}$  to the town where the offense is committed and  $\frac{1}{2}$  to the prosecutor.

R.S.1954, c. 97, § 42; 1961, c. 317, § 290.

**§ 2441. Explosives or inflammables; regulations**

The Insurance Commissioner shall make, amend or rescind, after public hearing thereon, notice of which has been duly advertised in the state paper, reasonable rules and regulations for the keeping, dispensing or transporting from place to place in the State of all gunpowder, petroleum, coal oils, burning fluids, naphtha, benzine and all other explosives and illuminating substances which such commissioner believes dangerous to the lives or safety of citizens.

This section shall not apply to the purchase, sale, transportation or storage of smokeless powder in amounts not in excess of 15 pounds, or primers not in excess of 1,000 in number.

Such rules and regulations shall become effective when approved in writing by the Governor and Council and when a certified copy thereof has been filed with the Secretary of State. Any person aggrieved by any such rule or regulation or the reasonableness of same, or any act or order of the Insurance Commissioner in enforcing any such rule or regulation, may appeal to the Superior Court by filing a complaint therefor and the court shall fix a time and place of hearing and cause notice thereof to be



given to the commissioner and, after the hearing, the court may affirm or reverse the rule, regulation, act or order of the commissioner and the decision of the court shall be final.

Said commissioner may waive the requirements of any such rules or regulations to cover any special circumstances, conditions or localities.

No person shall keep or transport any such article in any quantity or manner, except as prescribed in such regulations, unless waived by the commissioner as provided, under a penalty of not less than \$20 nor more than \$100, for each offense. All such articles may be seized by any peace officer and forfeited, and within 20 days after such seizure may be libeled according to law. Cities and towns may make and enforce reasonable ordinances or bylaws, not inconsistent with said rules and regulations.

R.S.1954, c. 97, § 43; 1961, c. 250; c. 317, § 291; 1963, c. 292.

#### § 2442. Recovery of damages for explosion

A person injured by the explosion of such articles in the possession of any person contrary to such regulations has an action for damages against such possessor, or against the owner if cognizant of such neglect.

R.S.1954, c. 97, § 44.

#### § 2443. Search for explosives

Any municipal officer, with a lawful search warrant, may enter any building or other place in his town to search for such articles supposed to be unlawfully concealed there.

R.S.1954, c. 97, § 45.

#### § 2444. 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 accompanied 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.

1957, c. 397, § 48.

**§ 2445. Standards for installing gas appliances**

No artificial, liquefied petroleum, manufactured or natural gas burning appliances of whatever type shall hereafter be installed unless such installation complies with regulations issued by the Insurance Commissioner. Such regulations shall be the applicable standards of National Fire Protection Association as amended from time to time and shall be issued in accordance with the procedure set forth in section 2441. Such regulations may be amended or rescinded in accordance with said procedure and any person aggrieved thereby shall have all the rights granted to such a person by section 2441.

This section shall not apply to those types of heating units such as Bunsen burners, torches, flares, urn burners, etc., which are not an integral part of the appliance.

Any violation of the regulations issued by the Insurance Commissioner hereunder shall be punishable by a fine of not more than \$100 or by imprisonment for not more than 90 days, or by both.

1957, c. 429, § 83.

**§ 2446. Approval of certain appliances**

No heating, cooking or refrigerating appliances consuming flammable liquids, flammable liquid compounds with flash point of 200° Fahrenheit or under, liquefied petroleum gases, artificial, natural or manufactured gases shall be sold or offered for sale in this State unless such appliances have the approved listing of the Underwriters' Laboratories, Inc., the American Gas Association Testing Laboratories or the Department of Industrial Cooperation at the University of Maine. The expense of obtaining such approval shall be paid by the manufacturers, distributors or marketers of such appliances.

This section shall not apply to those types of heating units such as Bunsen burners, torches, flares, urn burners, etc., which are not an integral part of the appliance.

Any violation of this section shall be punishable by a fine of not more than \$100 or by imprisonment for not more than 90 days, or by both.

R.S.1954, c. 97, § 46.

**§ 2447. Approval of certain compounds**

No individual, partnership or corporation shall sell or offer for sale in this State any type of flame retardant or flame proofing

compound, powder or liquid, or any fire extinguisher, or any compound, powder or liquid utilized for fire extinguishing purposes unless such product shall have the approved listing of the Underwriters' Laboratories, Inc. or the Department of Industrial Cooperation at the University of Maine.

The expense involved in ascertaining if such product shall be approved shall be paid by the individual, partnership or corporation selling or offering the same for sale.

Any violation of this section shall be punishable by a fine of not more than \$100 or by imprisonment for not more than 90 days, or by both.

R.S.1954, c. 97, § 47.

### **§ 2448. 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. 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.

1957, c. 397, § 50.

### **§ 2449. Penalty**

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 section 2448, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not more than \$100.

1957, c. 397, § 50.

### **§ 2450. Examinations by Division of State Fire Prevention**

The fee for examination by the Insurance Commissioner through the Division of State Fire Prevention of each set of plans

for construction, reconstruction or repairs of public buildings, hospitals, convalescent homes, nursing homes, theaters or other place of public assembly shall be \$15. Such fee shall be credited to the Division of State Fire Prevention to defray the expenses of the division. Any balance of said fees shall not lapse but shall be carried forward as a continuing account to be expended for the same purposes in the following fiscal years.

1959, c. 182, § 1.

### § 2451. Doors of public buildings to open outwards

Every building intended temporarily or permanently for public use, and every schoolhouse and every schoolroom therein, shall have all doors, intended for egress, open outwards.

R.S.1954, c. 97, § 48; 1959, c. 66.

### § 2452. Exits

The Insurance Commissioner shall adopt and may amend, after notice and public hearing, reasonable regulations governing exits in all buildings or other structures within his jurisdiction. Such regulations shall not apply to boarding or lodging homes having 5 or less boarders or lodgers or to nursing homes having 3 or less patients.

**1. Effective date.** The regulations, and amendments thereto, become effective when a certified copy of them has been approved in writing by the Governor and Council and filed with the Secretary of State.

**2. Rights declared.** Any person aggrieved by a regulation or by an act of the commissioner in enforcing it may have his rights declared by bringing an action for declaratory judgment under Title 14, chapter 707, naming the commissioner as defendant.

1963, c. 414, § 111.

**3. Violation.** Any person who violates a regulation issued by the commissioner under this section shall be punished by a fine of not more than \$100 or by imprisonment for not more than 90 days, or by both.

1959, c. 163; 1961, c. 365; 1963, c. 390; c. 414, § 111.

### § 2453. Fire escapes; appeals

Each story above the first story of a building used as a schoolhouse, orphan asylum, hospital for the mentally ill, reform-

atory, opera house, hall for public assemblies, hotel, boarding-house or lodginghouse accommodating more than 6 persons, or tenement house occupied by more than 2 families, or store in which more than 10 persons are employed above the first story, shall be provided with more than one way of egress, by stairways on the inside or fire escapes on the outside of such building. Such stairways and fire escapes shall be so constructed, in such a number, or such size and in such location as to give reasonably safe, adequate and convenient means of exit, in view of the number of persons who may need to use such stairway or fire escape, shall at all times be kept free from obstruction and shall be accessible from each room in each story above the first story.

No individual, partnership or corporation shall offer for sale in this State, any type of fire escape device or fire alarm systems unless first securing approval of the Insurance Commissioner or fire inspector.

Any person or corporation aggrieved by any order of the commissioner issued under this section may appeal to the Superior Court by filing within 30 days from the effective date of such order, a complaint therefor and the court shall fix a time and place of hearing and cause notice thereof to be given to the commissioner and, after the hearing, the court may affirm or reverse in full or in part any such order of the commissioner and the decision of the court shall be final. If the commissioner in the interest of public safety, because he deems there is immediate danger, forbids the use of such buildings for any public purpose until satisfactory compliance with his order, such order shall become immediately effective and the filing of the complaint shall not operate as a stay thereof.

R.S.1954, c. 97, § 49; 1961, c. 317, § 292.

#### § 2454. —Inspections

In towns or parts of towns having no organized fire department the Insurance Commissioner or the municipal officers shall annually make or direct the fire inspector to make careful inspection of the precautions and safeguards provided in compliance with the foregoing requirements, and pass upon their sufficiency as to arrangement and number, and upon their state of repair; and direct such alterations, additions and repairs as they adjudge necessary. In cities, towns and villages with a population of over 5,000, having an organized fire department, the duties aforesaid shall be discharged by the Insurance Commissioner or by the board of engineers and in cities, towns and

villages with a population of less than 5,000, having an organized fire department, the duties aforesaid shall be discharged by the Insurance Commissioner or the chief of the fire department.

R.S.1954, c. 97, § 50.

**§ 2455. Notice as to sufficiency of safeguards**

The Insurance Commissioner, municipal officers or chief of the fire department shall give written notice to the occupant of such building, and to the owner thereof if known, of their determination as to the sufficiency of said precautions and safeguards, specifying in said notice any alteration, addition or repair which they require. Sixty days are allowed for compliance with such notice and order.

R.S.1954, c. 97, § 51; 1957, c. 16, § 2.

**§ 2456. Failure to comply with orders for safeguards**

Any owner or occupant who neglects to comply with such order made under sections 2453 to 2455, within the time so allowed, forfeits \$50, besides \$5 for every day's continuance of such neglect. The building or part of a building so occupied shall be deemed a common nuisance, without any other evidence than proof of its use, and the keeper shall be punished accordingly. Said officers may forbid the use of such building for any public purpose until their order has been complied with. If the owner or occupant of said building lets or uses the same in violation of such order, he forfeits not less than \$20 nor more than \$50, for each offense.

R.S.1954, c. 97, § 52.

**§ 2457. Certificate of sufficiency of safeguards; compensation for inspection; return**

Whenever the municipal officers or chief of the fire department, upon inspection, find that proper safeguards and precautions for escape in case of fire or of alarm have been provided, they shall give to the occupant of such building a certificate, under their hands, of such fact which shall be valid for one year only from its date. A reasonable compensation for such inspection shall be paid by the city or town in which any such building is located, by an order drawn upon its treasurer. Such officers shall return to the clerk's office of their town, monthly, a list of

such certificates by them issued, which the clerk shall record in a suitable book.

R.S.1954, c. 97, § 53.

**§ 2458. Certificate to be posted in building**

Every person receiving such certificate provided for in section 2457 shall keep the same posted in such building. Such annual certificate, so posted, is prima facie evidence of the inspection of such building and of the presence of such suitable safeguards and precaution. Every occupant of such building who neglects or refuses to procure such certificate, or to post the same, forfeits \$10 for every week that he so neglects and refuses.

R.S.1954, c. 97, § 54.

**§ 2459. Town officers' refusal to perform duties**

Every municipal officer or fire inspector or chief of a fire department who refuses to perform the duties imposed upon him by sections 2451 to 2458 forfeits \$50.

R.S.1954, c. 97, § 55.

**§ 2460. Fines**

All fines and forfeitures, imposed by sections 2456 to 2459, may be recovered by the town where the building is located by a civil action.

R.S.1954, c. 97, § 56; 1961, c. 317, § 293; 1963, c. 182.

**§ 2461. Investigation by state factory inspector or Insurance Commissioner**

Whenever it comes to the knowledge of the state factory inspector or his deputy, or to the Insurance Commissioner or his deputy, or if complaint is made to such state factory inspector or his deputy, or to the Insurance Commissioner or his deputy by any citizen of the State, that any of the above-named officers have failed to comply with any provision of sections 2451 to 2459 the state factory inspector or his deputy, or the Insurance Commissioner or his deputy shall at once proceed to investigate such complaint, and if sufficient evidence can be obtained, he shall at once institute proceedings against such officer, and the county attorney shall prosecute the same.

R.S.1954, c. 97, § 57.

**§ 2462. Plundering at fires as larceny**

Whoever takes, carries away or conceals any property not his own, at a fire, or exposed by reason thereof, and does not give notice of it to the owner or one of the fire wards shall be deemed guilty of larceny and punished accordingly.

R.S.1954, c. 97, § 58.