

MAINE STATE LEGISLATURE

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FIFTY-THIRD LEGISLATURE.

SENATE.

No. 18.

STATE OF MAINE. .

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
SEVENTY-FOUR.

AN ACT to provide for the security of life on board vessels
propelled in whole or in part by steam, on the inland
waters of this state.

*Be it enacted by the Senate and House of Representatives
in Legislature assembled, as follows :*

SECTION 1. All steamboats carrying passengers for
2 hire upon any of the inland waters in this state, are
3 hereby made subject to the provisions of this act ;
4 before being employed in transportation of passengers
5 they shall be examined and receive the certificate of
6 the inspectors authorizing their employment.

SECT. 2. The governor, with the advice and consent
2 of the council, shall appoint two inspectors of steam-
3 boats of suitable qualifications to perform the services
4 required by this act, one of whom shall have a practi-

5 cal knowledge of ship building, and the other of the
6 construction and use of boilers, engines, and their
7 appurtenances; they shall be sworn to the faithful
8 performance of their duties, and continue in office for
9 five years unless sooner removed for good cause, and
10 may be re-appointed at the expiration of their term.

SECT. 3. All vessels mentioned in the first section of
2 this act shall be constructed so that the wood work
3 about the boilers, chimneys, fire boxes, cook houses,
4 stove and steam pipes exposed to ignition, shall be
5 thoroughly shielded by some incombustible material,
6 in such a manner as to leave the air to circulate freely
7 between such material and wood work or other igni-
8 tible substance; and before granting a certificate of
9 inspection the inspectors shall require all other neces-
10 sary provisions to be made throughout such vessel as
11 they shall judge expedient to guard against loss or
12 damage by fire.

SECT. 4. Every such vessel shall have at least one
2 good substantial boat, with life lines attached and
3 properly supplied with oars, and kept tight and in
4 good condition at all times and ready for immediate
5 use, and also such other boats, if any, as the inspec-
6 tors on account of the route or the number of passen-
7 gers may deem requisite; and it shall be the duty of
8 the master of such vessel to exercise and discipline his

9 crew in the launching, use and management of the
10 boats until they become skillful boatmen.

SECT. 5. Every vessel mentioned in the first section
2 of this act shall be provided with a good life preserver,
3 to the acceptance of the inspectors, made of suitable
4 material, for every passenger she shall be authorized
5 to transport, and also for every one of her crew, which
6 life preservers shall be kept in convenient, accessible
7 places in such vessel, in readiness for immediate use
8 in case of accident, and the places where the same are
9 so kept shall be designated in the inspectors' certificate,
10 and also pointed out by printed notices posted in such
11 places as the inspectors shall direct ; floats may also be
12 required by said inspectors. Every such vessel shall
13 carry, in convenient places, at least ten buckets filled
14 with water with dip lines attached, and three axes in
15 good order ; the inspectors may require a larger num-
16 ber of buckets and axes if they deem it necessary.

SECT. 6. Every such vessel shall be provided with
2 permanent stairways and other sufficient means con-
3 venient for passing from one deck to the other, with
4 gangways sufficiently large to allow persons to freely
5 pass, which shall always be open fore and aft of the
6 length of the vessel, and also to and along the guards,
7 and any persons obstructing said gangways by freight
8 or in any other manner shall pay a fine of fifty dollars.

SECT. 7. It shall be the duty of the inspectors annually, or oftener if they have good cause to believe it reasonable, to inspect every vessel of the description mentioned in the first section of this act, to examine carefully her hull, engine, boilers, boats and other equipments, to apply proper tests to her boilers, and ascertain for how long it will be safe to use the same, and determine the pressure of steam to be allowed, and they shall regulate the fusible plugs, safety valves and steam cocks, so as to ensure safety; and may require such changes and repairs and improvements to be adopted and used as they shall 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 therefor from the inspectors, under such precautions as they may deem expedient.

SECT. 8. The inspectors, if satisfied that such vessel is in all respects safe and in conformity to the provisions of this act 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 she is author-

8 ized to carry, the number of boats and life preservers
9 required, and the number of passengers she can trans-
10 port, one copy of which certificate and of this act shall
11 be kept posted in some conspicuous place upon such
12 vessel.

SECT. 9. If any person shall intentionally load or
2 obstruct or cause to be loaded or obstructed in any way
3 or manner the safety valve of the boiler, or shall em-
4 ploy any other means or devise whereby the boiler may
5 be subjected to a greater pressure than the amount
6 allowed by the inspectors' certificate, or shall inten-
7 tionally derange or hinder the operation of any machin-
8 ery or device employed to denote the stage of the
9 water or steam in any boiler, or to give warning of
10 approaching danger, or shall intentionally permit the
11 water to fall below the prescribed low water line of the
12 boiler, it shall in any such case be felony, and any
13 person concerned therein, directly or indirectly, shall
14 be fined not exceeding five hundred dollars, or impris-
15 oned not exceeding five years; if death shall be occa-
16 sioned by such felony the party committing the same
17 shall be deemed guilty of manslaughter, and shall be
18 imprisoned not less than two nor more than ten years.

SECT. 10. Every person employed as an engineer or
2 assistant engineer on board such vessel, shall be first
3 examined by the inspectors as to his qualifications for

4 the office, and if satisfied therewith they shall grant
5 him a license for the office, which shall be kept posted
6 in the engine room of the vessel ; any person acting
7 as an engineer or assistant engineer without having
8 first received such license, shall, on conviction, pay a
9 fine of fifty dollars for every day he shall so act; such
10 license may continue in force so long as the party hold-
11 ing the same shall continue upon such vessel, but if at
12 any time such person shall become intemperate or in-
13 competent, or shall be guilty of a willful violation of
14 any of the duties of his office, upon notice and satis-
15 factory proof the license shall be revoked by the in-
16 spectors.

SECT. 11. All vessels described in the first section of
2 this act shall comply with all the terms and provisions
3 of this act, and with all orders, regulations and re-
4 quirements of the inspectors ; and if any such vessel
5 shall be navigated without complying therewith, or
6 without the certificate of the inspectors, the owner or
7 owners and master shall severally forfeit and pay to
8 the state the sum of five hundred dollars for each
9 offence, one half to the use of the informer, unless
10 otherwise provided, for which sum the vessel so en-
11 gaged shall be liable, and may be proceeded against
12 in a qui tam action by attachment commenced within
13 sixty days after the commission of the offense, or may

14 be recovered by indictment. In case of damage by
15 fire, or by explosion of steam, it shall be the duty of
16 the inspectors forthwith to investigate the cause there-
17 of, and if found by them to have been occasioned by
18 any violation of any of the provisions of this act, or
19 of the orders, regulations and requirements of said
20 inspectors, it shall be their duty to so certify to the
21 governor, and also to the county attorney in the county
22 where the offence shall have been committed, together
23 with the names of the parties and witnesses, and pros-
24 ecution shall forthwith be instituted against all parties
25 liable.

SECT. 12. If the death of any person shall be caused
2 by such explosion or fire, the executors or administra-
3 tors of the deceased may recover therefor from the
4 owners or master of the vessel for the benefit of the
5 widow and children, if any, of the deceased, otherwise
6 for the benefit of his estate, such damages, not ex-
7 ceeding five thousand dollars, as the jury shall assess ;
8 and for the damages, so recovered, a lien is hereby
9 created upon such vessel, which shall take precedence
10 of all other liens, claims, rights or interest in said ves-
11 sel, and may be enforced by attachment against her
12 on the original writ ; any party claiming an interest
13 in said vessel may intervene, and on proof of any right,
14 claim or interest therein may be allowed to appear and

15 defend the same; any person damaged in his person
16 or property by such explosion or fire shall be entitled
17 to like remedies to the same extent and effect and with
18 same proceedings for the recovery of his damages;
19 any of the crew of said vessel or persons in her em-
20 ployment thus sustaining injury, his executors and
21 administrators shall be entitled to all the benefit of the
22 provisions of this section, if the jury shall be satisfied
23 that the negligence of the party thus injured did not
24 occasion or contribute materially to the injury; the
25 liability of the owners shall not exceed twice the value
26 of the vessel at the commencement of the trip upon
27 which the injury shall be sustained, and in case the
28 damages assessed in all the cases exceed such sum the
29 same shall be apportioned pro rata by the court in
30 which the suit is pending, in which the earliest attach-
31 ment was made and judgment rendered in the several
32 cases against the owners for the proportionate amount
33 of the double value of the vessel.

SECT. 13. The inspectors shall each receive from the
2 state the sum of five dollars per day for the time they
3 are actually employed under this act, and shall also be
4 paid their actual traveling expenses incurred in per-
5 forming the duties imposed upon them by this act.
6 The owners of each vessel inspected and certified under
7 this act shall pay to the inspectors the sum of five dol-

8 lars, and each person licensed under this act shall pay
9 the sum of one dollar to the inspectors for the license,
10 and the inspectors shall account for all such sums to
11 the governor and council, and pay the same into the
12 state treasury. The accounts of the inspectors for
13 compensation and expenses under this act shall be
14 audited by the governor and council.



STATE OF MAINE.

IN SENATE, February 6, 1874.

Reported from the Committee on Commerce, by Mr. EMERY,
of Hancock, and laid over to be printed under the Rule.

SAMUEL W. LANE, *Secretary.*