

MAINE STATE LEGISLATURE

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EIGHTIETH LEGISLATURE

HOUSE

NO. 201

House of Representatives, February 28, 1921.

Referred to Committee on Public Utilities and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Wadsworth of Winthrop.

STATE OF MAINE

**IN THE YEAR OF OUR LORD ONE THOUSAND
NINE HUNDRED AND TWENTY-ONE**

AN ACT to Consolidate the Steamboat Inspection Department with the Public Utilities Commission and Revise the Provisions of Sections Four to Sixteen, Inclusive, of Chapter Fifty-nine of the Revised Statutes, Relating to the Provisions for Safety on Inland Steamers.

Be it enacted by the People of the State of Maine, as follows:

Sections four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen and sixteen of chapter fifty-nine of the revised statutes are hereby amended by striking out all of said sections and inserting in place thereof the following, so that said sections as amended shall read as follows:

'Sect. 4. All vessels propelled by machinery navigating
2 any of the inland waters of this state and not subject to
3 the authority of the United States inspection laws, between
4 the hours of sunset and sunrise shall show

1. On the starboard or right side a green light, of such a
2 character as to be visible on a dark night with a clear at-
3 mosphere, at a distance of at least one mile, and to be so
4 constructed as to show a uniform and unbroken light over
5 an arc of the horizon of ten points of the compass, and so
6 fixed as to throw the light from right ahead to two points
7 abaft the beam on the starboard side.

2. On the port or left side a red light of such a character
2 as to be visible on a dark night, with a clear atmosphere,
3 at a distance of at least one mile, and so constructed as to
4 show a uniform and unbroken light over an arc of the hori-
5 zon of ten points of the compass, and so fixed as to throw
6 the light from right ahead to two points abaft the beam on
7 the port side.

The green and red lights shall be fitted with inboard
2 screens, so as to prevent the lights from being seen across
3 the bow and the illuminated portion of such lights or lenses
4 shall be not less than three inches in diameter. Provided,
5 however, that in the case of small boats the inspector may
6 make special rules for lights of a different character. Who-
7 ever neglects or refuses to observe the provisions of this
8 section shall be subject to a fine of ten dollars.

Sect. 5. All vessels propelled by machinery having steam
2 as a motive power are subject to the following provisions

3 and before being so employed they shall be examined and
4 receive the certificate of the public utilities commission au-
5 thorizing their employment. All vessels propelled by ma-
6 chinery other than steam and used for the transporting and
7 carrying of passengers and freight for hire upon the inland
8 waters of the state, shall make application for motor boat
9 registration, said registration if issued terminates on the
10 last day of the year in which it was issued, and shall be
11 subject to the provisions of this and the sections immediate-
12 ly following. Boats kept for use or letting, either by them-
13 selves or in connection with camps, cottages or other real
14 estate, boats used in connection with any school or camp
15 in which boys or girls less than twenty-one years of age
16 are received for compensation or by any officer, agent or
17 employee of such camp or school for the transportation of
18 any of such boys or girls, shall be considered as kept for
19 hire. The word "motorboat," where used in this act, shall
20 include every vessel propelled by machinery other than
21 by steam.

Sect. 6. The public utilities commission may appoint one
2 or more inspectors of steamboats of suitable qualifications
3 to inspect vessels, their boilers, engines, hulls, appliances,
4 devices and equipments for safety in the transportation of
5 passengers and freight. Each such inspector shall receive
6 from the state a salary to be fixed by the public utilities
7 commission with the advice and consent of the governor
8 and council and shall also be paid their actual expenses in-
9 curred in performing the duties imposed upon them by this

10 act. The public utilities commission may appoint such as-
11 sistants and clerks as in its judgment may be required. The
12 assistants and clerks shall serve during the pleasure of the
13 public utilities commission and shall receive such compensa-
14 tion as the public utilities commission shall direct.

All vessels shall be constructed so that the woodwork
2 about the boilers, chimneys, fire-boxes, cook houses, stove
3 and steam pipes exposed to ignition, shall be thoroughly
4 shielded by some incombustible material in such a manner
5 as to leave the air to circulate freely between such material
6 and woodwork and other ignitable substance; and before
7 granting a certificate of inspection, the inspectors shall re-
8 quire all other necessary provisions to be made throughout
9 such vessels as they shall judge expedient to guard against
10 the loss or damage by fire.

All boilers installed upon any steamboat after this act
2 goes into effect, the manufacturer shall stamp directly above
3 the furnace door of vertical or locomotive, and on water
4 tube or scotch boilers on plates attached to boiler or casing
5 in letters not less than three-eighths of an inch in height,
6 the name of the manufacturer's place and time of manu-
7 facture, kind of plate used, tensil strength and thickness of
8 plate and said letter shall not be covered up.

Any person who does not comply with this section shall not
2 receive a certificate of inspection.

Sect. 7. Every vessel subject to the provisions of this
2 chapter shall have her name painted on each side of bow

3 on a black background in white or gilt letters or on a white
4 background in black letters, of not less than two inches in
5 height. The name of a vessel shall not be changed without
6 notifying the public utilities commission. All motor boats,
7 subject to inspection, shall be furnished free by the public
8 utilities commission with two enameled iron plates contain-
9 ing the word, "Maine," in letters not less than one inch in
10 height and the number of the registration in Arabic numer-
11 als not less than two inches in height, the number plates
12 must be attached to each side of the bow so placed as to
13 be always plainly visible. Upon the sale of any registered
14 vessel the vendor shall immediately return the registration
15 plates to the public utilities commission with name and ad-
16 dress of vendee, also certificate of inspection.

Sect. 8. All boats designated by the public utilities com-
2 mission shall have at least one good substantial boat, with
3 life lines attached, and properly supplied with oars, and kept
4 tight and in good condition at all times and ready for im-
5 mediate use. In addition thereto, such other boats shall
6 be carried as the public utilities commission on account of
7 the route or the number of passengers, may deem requisite.
8 It shall be the duty of the master of such vessel to exercise
9 and discipline his crew in the launching, use and manage-
10 ment of the boats until they become skillful boatmen.

All vessels shall be provided with one life preserver, ap-
2 proved by the public utilities commission, for each passen-
3 ger, and each member of her crew. The life preservers
4 shall be kept in convenient, accessible places in such vessel,

5 in readiness for immediate use in case of accident, and the
6 place where the same are so kept shall be pointed out by
7 printed notices posted in such places on the vessel as the
8 public utilities commission shall direct. Floats may also
9 be required by the public utilities commission. Each vessel
10 shall carry such number of buckets, axes, fire extinguishers
11 and fire hose connected to pump for use in case of fire as the
12 public utilities commission shall consider necessary.

All life preservers, oars, buckets, lights and fire extinguish-
2 ers shall have the registration number of the boat upon
3 which they belong printed on each article in figures not less
4 than one inch in height.

Sect. 9. Any vessel or scow being in tow of another vessel,
2 it shall have on board one life preserver for each person
3 on board and shall carry such other equipment as is deemed
4 necessary by the public utilities commission, and a certifi-
5 cate shall be given, stating what shall be carried, said certifi-
6 cate to be kept on board said vessel or scow and any person
7 failing to comply with this section shall be subject to a fine
8 of one hundred dollars.

Each vessel shall be provided with permanent stairways
2 and other sufficient means convenient for passing from one
3 deck to the other, with gangways sufficiently large to allow
4 persons to freely pass, which shall always be open, fore and
5 aft, of the length of the vessel, and also to and along the
6 guards. No person shall obstruct gangways by freight or
7 in any other manner.

Sect. 10. The owners of each vessel inspected and certified under this chapter, shall pay to the public utilities commission at time of inspection or registration a fee based upon the following schedule:

All vessels up to ten tons measurement shall pay	\$5 00
All vessels ten ton measurement up to fifty tons shall pay	7 00
All vessels fifty tons measurement up to one hundred tons shall pay	10 00
All vessels one hundred tons measurement up to two hundred tons shall pay	12 00
All vessels two hundred tons measurement and over shall pay	15 00

Sect. 11. Each person licensed under this act, shall pay to the public utilities commission the sum of two dollars for each original license and two dollars for each renewal of the same; provided, that in case of vessels under five tons measurement no fee shall be required or paid by a master, pilot, engineer, operator, or navigator on such vessel, 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 fact that he is authorized to do so. The public utilities commission shall account for all such sums to the governor and council, and pay the same into the treasury. The account of the public utilities commission for compensations and expenses under this act, shall be audited by the state auditor.

Sect. 12. The public utilities commission shall annually, 2 or oftener, inspect every vessel of the description mentioned 3 in section five, examine her hull, engine, boiler, boats and 4 other equipments, apply proper tests to her boilers, ascertain how long it will be safe to use the same, determine the 6 pressure of steam allowed, regulate the fusible plugs, safety 7 valves and steam cocks, so as to ensure safety; require such 8 changes and repairs and improvements to be adopted and 9 used as they shall deem prudent for the contemplated route; 10 fix the number of passengers to be transported, and no 11 greater number shall be received or allowed at any one time, 12 unless special permission is first obtained therefor from the 13 inspectors, under such precautions as they may deem ex- 14 pedit.

No person shall remove any of the equipments provided 2 for the safety of passengers from any boat without the 3 knowledge and consent of the master of such vessel.

No person shall intentionally load or obstruct or cause to 2 be loaded or obstructed in any way or manner the safety 3 valve of the boiler, or shall employ any other means or 4 device whereby the boiler may be subjected to a greater 5 pressure than the amount allowed by the inspector's certificate, or shall intentionally derange or hinder the opera- 6 tion of any machinery or device employed to denote the 8 state of the water or steam in any boiler, or to give warn- 9 ing of approaching danger, or shall intentionally permit the 10 water to fall below the prescribed low water line of the 11 boiler.

The public utilities commission, if satisfied that any vessel
2 is in all respects safe and in conformity with the provisions
3 of this act, shall give its certificate, setting forth the age
4 of the vessel, the age of the boilers, the pressure of steam
5 authorized to carry, the number of boats and life preservers
6 required, the number of passengers she can transport. One
7 copy of which certificate and of this act, shall be kept posted
8 in some conspicuous place upon such vessel. If the public
9 utilities commission refuses to grant a certificate to any
10 vessel, it shall make a statement in writing giving the rea-
11 son for such refusal, and deliver the same to the owner
12 or owners of the vessel.

Sect. 13. Every person employed as master, pilot, engi-
2 neer, operator or navigator on board such vessel shall be
3 a male citizen born in the United States or naturalized
4 who has attained the age of nineteen years. Provided, how-
5 ever, this act does not prevent any licensed officer in good
6 standing who having been issued a license previous to the
7 year nineteen hundred and twenty-one from a renewal of
8 his license. He shall be examined by the public utilities
9 commission as to his qualifications for the office, and if
10 satisfied therewith, shall be granted a license for the office
11 for one year. The license must be framed under glass and
12 posted in some conspicuous place on board such vessel.
13 Where it is impracticable to keep such license so posted it
14 shall be kept on board accessible to any person demanding
15 it. Such license shall continue in force for one year, un-

16 less revoked by the public utilities commission for inem-
17 perance, incompetency, or a wilful violation or neglect of
18 any of the duties of his office. Any master, pilot, engineer,
19 operator or navigator holding a license for a similar vessel
20 on any line owning or running more than one vessel, may
21 under such license be employed on any vessel owned or
22 run by the person or persons owning or running the vessel
23 for which said officers obtained their license.

Sect. 14. All vessels described in the fifth section of this
2 act shall comply with all the terms and provisions of this
3 act, and with all orders, regulations and requirements of
4 the public utilities commission, and if any such vessel shall
5 be navigated without complying therewith, or without the
6 certificate of the public utilities commission, the owner or
7 owners and master shall severally forfeit and pay to the
8 state the sum of five hundred dollars for each offence, one-
9 half to the use of the informer, unless otherwise provided,
10 for which sum the vessel so engaged shall be liable, and
11 may be proceeded against in a qui tam action by attach-
12 ment commenced within sixty days after the commission
13 of the offence, or may be recovered by indictment. In case
14 of damage by collision, fire or by explosion of steam, it
15 shall be the duty of the inspector forthwith to investigate
16 the cause thereof, and if found by him to have been occa-
17 sioned by any violation of any of the provisions of this act,
18 or of orders, regulations and requirements of said public
19 utilities commission, it shall be their duty to certify that

20 fact to the governor, and to the county attorney, in the
21 county where the offence shall have been committed, to-
22 gether with the names of the parties and witnesses, and
23 prosecution shall forthwith be instituted against all parties
24 liable. If any vessel described in this act is deprived of
25 the services of any licensed officer, without the consent,
26 fault, or collusion of the master, owner, or any person
27 interested in the vessel, the deficiency may be temporarily
28 supplied until others licensed can be obtained; provided,
29 however, that the owner or owners and master of any vessel
30 described in this act shall immediately notify the public
31 utilities commission of the expiration of the certificate for
32 such vessel, and request a new inspection and certificate,
33 and said public utilities commission shall for any reason
34 fail to make said inspection and issue said certificate, if
35 the vessel is entitled thereto, the owner or owners and
36 master of said vessel or vessels shall not be liable for any
37 of the penalties or forfeits provided in this act on account
38 of navigating said vessel or vessels without a certificate of
39 inspection.

Sect. 15. If the death of any person shall be caused by
2 such collision, explosion or fire, the executors or admin-
3 istrators for the deceased may recover therefor from the
4 owners or master for the benefit of the widow and chil-
5 dren, if any, of the deceased, otherwise for the benefit of
6 his estate, such damages, not exceeding five thousand dol-
7 lars, as the jury shall assess; and for the damages so re-

8 covered, a lien is hereby created upon such vessel, which
9 shall take precedence of all other liens, claims, rights or
10 interest in said vessel, and may be enforced by attachment
11 against her, on the original writ. Any party claiming an
12 interest in said vessel may intervene, and on proof of any
13 right, claim or interest therein, may be allowed to appear
14 and defend the same; any person damaged in his person
15 or property by such collision, explosion or fire shall be
16 entitled to like remedies, to the same extent and effect, and
17 with same proceedings for the recovery of his dam-
18 ages; any of the crew of said vessel, or persons in her
19 employment, thus sustaining injury, his executors and ad-
20 ministrators shall be entitled to all the benefit of the pro-
21 visions of this section, if the jury shall be satisfied that the
22 negligence of the party thus injured did not occasion or
23 contribute materially to the injury; the liability of the own-
24 ers shall not exceed twice the value of the vessel at the
25 commencement of the trip upon which the injury shall be
26 sustained; and in case the damages assessed in all the cases
27 exceed such sum, the same shall be apportioned pro rata
28 by the court in which the suit is pending, on which the
29 earliest attachment was made, and judgment rendered in
30 the several cases against the owners for the proportionate
31 amount of the double value of the vessel.

Any person operating any vessel propelled by machinery
2 so as to endanger the lives and property of other people

3 and having been warned not to, shall be punished as here-
4 inafter provided.

Sect. 16. Any person who shall violate any of the pro-
2 visions of the preceding sections of this law shall be pun-
3 ished by a fine of not less than ten dollars nor more than
4 five hundred dollars or shall be imprisoned for not exceed-
5 ing one year or by both such fine and imprisonment. Mu-
6 nicipal courts and trial justices shall have concurrent jur-
7 isdiction with the superior courts and supreme judicial courts
8 to enforce this penalty.'