

MAINE STATE LEGISLATURE

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EIGHTY-FIRST LEGISLATURE

SENATE

NO. 124

In Senate, February 20, 1923.

Referred to Committee on Public Utilities and five hundred copies ordered printed. Sent down for concurrence.

L. ERNEST THORNTON, Secretary.

Presented by Senator Wadsworth of Kennebec.

STATE OF MAINE

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

AN ACT Relating to the Registration and Inspection of Vessels and Providing for Safety of Navigation on Inland Waters under the Jurisdiction of the Public Utilities Commission. Sections Four to Sixteen, Inclusive, of Chapter Fifty-nine of the Revised Statutes and Chapter One Hundred Ninety-five of the Laws of Nineteen Hundred and Twenty-one Repealed.

WHEREAS, it is the custom of the State of Maine by law to provide for the inspection of vessels, engaged in transportation of persons and property upon inland waters of the state for the purpose of insuring the safety of such passengers and property while so being transported, and whereas the law here-

inafter set forth provides for such safety of said passengers and property and contains a clause repealing prior provisions for such safety, and whereas the terms of the present inspectors expire before the time when this act would normally take effect, and whereas it is essential for the public peace, health and safety that the work shall be carried on by inspectors appointed under this act, and whereas by reason of the foregoing facts the immediate passage of this act is necessary for the public peace, health and safety, and constitutes in the judgment of the legislature an emergency within the meaning of the Constitution of this state,

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

Section 1. *Jurisdiction.* Every vessel subject to the provisions of this act and every person, firm or corporation owning or operating the same is hereby placed under the jurisdiction of the public utilities commission, for the purposes enumerated in this act. The commission shall employ such inspectors, engineers or other assistants as may be required to carry out the provisions of this act.

Sect. 2. *Definitions.* The term "commission" when used in this act means the public utilities commission.

The term "vessel" when used in this act means any boat or vessel operated by machinery propelled by steam or other motive power.

The term "steamboat" when used in this act means any vessel propelled by steam.

The term "motor-boat" when used in this act means any
2 vessel propelled by motive power other than steam.

Sect. 3. *Provisions for lights; penalty.* All vessels navi-
2 gating any of the inland waters of this state, and not sub-
3 ject to the authority of the United States inspection laws,
4 between the hours of sunset and sunrise shall show

1. On the starboard or right side a green light, of such
2 a character as to be visible on a dark night with a clear
3 atmosphere, 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 char-
2 acter as to be visible on a dark night, with a clear atmos-
3 phere, at a distance of at least one mile, and so constructed
4 as to show a uniform and unbroken light over an arc of
5 the horizon of ten points of the compass, and so fixed as
6 to throw the light from right ahead to two points abaft the
7 beam on 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 vessels the public utilities
6 commission may make special rules for lights of a different
7 character. Whoever neglects or refuses to observe the pro-

visions of this section shall be subject to a fine of ten dollars.

Sect. 4. *Examination and registration of vessels.* All steamboats navigating upon inland waters, and all motor-boats used for the transporting and carrying of passengers or freight for hire upon inland waters, are subject to the following provisions, and before being so employed they shall be examined and receive the certificate of the commission authorizing their employment. The owner or operator of any such vessel shall make application to the commission for registration, subject to such reasonable rules and regulations as the commission may make, which registration, if granted, terminates on the last day of the calendar year in which the certificate of registration is issued. Vessels kept for use or letting, either by themselves or in connection with camps, cottages or other real estate, and vessels used in connection with any school or camp in which boys or girls are received for compensation, or by any officer, agent or employee of such camp or school, for the transportation of any such boys or girls, shall be considered as kept for hire and shall be subject to the provisions of this act.

Sect. 5. *Provisions for safety.* All vessels shall be constructed so that the woodwork about the boilers, chimneys, fire-boxes, cook houses, stove and steam pipes exposed to ignition shall be thoroughly shielded by some incombustible material, in such a manner as to permit the air to circulate freely between such material and woodwork and other

7 ignitable substance; and before granting a certificate of in-
8 spection, the commission shall require such other provisions
9 to be made as they shall deem necessary to guard against
10 loss or damage by fire.

Sect. 6. *Registration number and name displayed.* Every
2 vessel subject to registration shall display upon each side
3 of the bow its registration number, by numerals painted
4 upon or attached thereto, of suitable size and color and so
5 placed as to be always plainly visible. Every such vessel
6 more than thirty feet in length, measured from end to end
7 over deck, excluding sheer, shall have her name painted
8 upon each side of the bow or attached thereto in letters of
9 suitable size and color and so placed as to be always plainly
10 visible. The name of such vessel shall not be changed with-
11 out the consent of the commission.

Sect. 7. *Safety appliances.* Every vessel more than thirty
2 feet in length, measured from end to end along deck, ex-
3 cluding sheer, subject to registration, shall have at least one
4 good substantial boat, with life lines attached, properly sup-
5 plied with oars, kept tight and in good condition at all times,
6 and ready for immediate use. In addition thereto, such
7 other boats shall be carried as the commission, on account
8 of the route or the number of passengers, may deem requi-
9 site. It shall be the duty of the master of such vessel to
10 exercise and discipline his crew in the launching, use and
11 management of the boats until they become skilful boat-
12 men. The commission may make such rules and regulations

13 as it deems necessary, designating what boats, if any, shall
14 be carried by vessels less than thirty feet in length.

Every vessel shall be provided with one life preserver,
2 approved by the commission, for each passenger and each
3 member of her crew. The life preservers shall be kept in
4 convenient, accessible places in such vessel, in readiness for
5 immediate use in case of accident, and the place where the
6 same are so kept shall be pointed out by printed notices
7 posted in such places on the vessel as the commission shall
8 direct. Floats may also be required by the commission.

Any vessel or scow being in tow of another vessel shall
2 have on board one life preserver for each person on board
3 and shall carry such other equipment as is deemed neces-
4 sary by the commission, and a certificate shall be given,
5 stating what equipment shall be carried, said certificate to
6 be kept on board said vessel or scow.

The commission may from time to time make such reason-
2 able rules and regulations relating to other equipment and
3 safety appliances for vessels subject to the provisions of
4 this act, as they may deem necessary.

Sect. 8. *Stairways and gangways.* Every vessel whose
2 size and manner of construction require it shall be pro-
3 vided with permanent stairways and other sufficient means
4 convenient for passing from one deck to the other, with
5 gangways sufficiently large to allow persons to freely pass,
6 which shall always be open, fore and aft of the length of
7 the vessel, and to and along the guards; and no person shall
8 obstruct said gangways by freight or otherwise.

Sect. 9. *Fees for registration, inspection and license.* The
2 owners of each vessel registered under this act shall pay
3 to the commission the sum of one dollar for each registra-
4 tion. The owners of each vessel inspected and certified
5 under this act shall pay to the commission the sum of five
6 dollars for each inspection, and each person licensed under
7 this act shall pay to the commission the sum of two dollars
8 for each original license, and two dollars for each renewal
9 of the same; provided that in the case of vessels of tons
10 tons of net measurement or less, no fees for inspection or
11 licenses shall be required or paid; provided, also, that in
12 cases where the master is also pilot of the vessel, he shall
13 not be required to hold two licenses, but may act in either
14 or both capacities under one license, such license stating on
15 its face that he is authorized to do so. The commission
16 shall account for all sums of money received under this act,
17 and pay the same into the state treasury.

Sect. 10. *Inspection.* The commission shall annually, or
2 oftener, inspect every vessel of the description mentioned
3 in section four, examine her hull, engine, boiler, boats and
4 other equipment, apply proper tests to her boilers, ascertain
5 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, repairs and improvements to be adopted and made
9 as they shall deem prudent for the contemplated route. The
10 commission shall fix the number of passengers to be trans-
11 ported, and no greater number shall be received or allowed

12 at any one time, unless special permission is first obtained
13 therefor, under such precautions as the commission may
14 deem expedient.

No person shall intentionally load or obstruct or cause
2 to be loaded or obstructed in any way or manner the safety
3 valve of the boiler, or shall employ any other means or de-
4 vice whereby the boiler may be subjected to a greater
5 pressure than the amount allowed by the commission's cer-
6 tificate, or shall intentionally derange or hinder the opera-
7 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 commission, if satisfied that any vessel is in all re-
2 spects safe and in conformity with the provisions of this
3 act, shall give its certificate, setting forth the age of the ves-
4 sel, the age of the boilers, the pressure of steam she is au-
5 thorized to carry, the number of boats and life preservers
6 required, and the number of passengers she can transport.
7 One copy of which certificate and of section ten of this
8 act shall be kept posted in some conspicuous place upon
9 such vessel. If the commission refuses to grant a certifi-
10 cate to any vessel, it shall make a statement in writing giv-
11 ing the reason for such refusal, and deliver the same to the
12 owner or owners of the vessel.

Sect. 11. *Officers to be licensed; penalty.* Every person
2 employed as master, pilot, engineer, or operator on any ves-

3 sel subject to the provisions of this act, shall be examined
4 by the commission as to his qualifications, and if satisfied
5 therewith they shall grant him a license for the office, which
6 license shall expire on the last day of the calendar year in
7 which it is issued, unless revoked by the commission for
8 intemperance, incompetency, or wilful violation of duty.
9 The commission may grant a renewal of such license upon
10 written application, without further examination, subject to
11 such reasonable rules and regulations as the commission
12 may prescribe. Said license shall be framed under glass
13 and posted in some conspicuous place on board such vessel.
14 Whoever acts as master, pilot, engineer or operator, with-
15 out having first received such license, shall be fined fifty
16 dollars for every day that he so acts. But any master, pilot,
17 engineer or operator holding a license for any such vessel
18 on any line owning or navigating more than one vessel, may
19 under such license be employed on any vessel owned or
20 navigated by the persons owning or navigating the vessel
21 for which said officer obtained his license.

Sect. 12. *Compliance with this act compulsory; penalty
2 for violation; investigation in case of damage by collision,
3 fire or steam. Deficiency of licensed officers temporarily
4 supplied; owners and master not liable in certain cases.* All
5 vessels described in section four shall comply with all the
6 terms and provisions of this act, and with all orders, regu-
7 lations and requirements of the commission; and if any
8 such vessel is navigated without complying therewith, or
9 without the certificate of the commission, the owners and

10 master severally forfeit to the state five hundred dollars for
11 each offense, half thereof for the informer, unless other-
12 wise provided, for which sum the vessel so engaged is liable,
13 and may be proceeded against in a qui tam action by at-
14 tachment commenced within sixty days after the commis-
15 sion of the offense, or said penalty may be recovered by
16 indictment. In case of damage by fire or by explosion or
17 by collision, the commission shall forthwith investigate the
18 cause thereof, and if found by them to have been occa-
19 sioned by a violation of any of the aforesaid provisions,
20 or of the orders, regulations and requirements of said com-
21 mission, they shall so certify to the attorney general, and
22 to the county attorney in the county where the offense was
23 committed, together with the names of the parties and wit-
24 nesses, and prosecution shall forthwith be instituted against
25 all parties liable. But if any such vessel is deprived of the
26 services of any licensed officer, without the consent, fault
27 or collusion of the master, owner or any person interested
28 in the vessel, the deficiency may be temporarily supplied,
29 until another licensed officer can be obtained; provided,
30 however, that if the owners and master of such vessel sea-
31 sonably notify the commission of the expiration of her cer-
32 tificate, and request a new inspection and certificate, and
33 said commission fails to make said inspection and issue
34 said certificate, if the vessel is entitled thereto, such owners
35 and master are not liable for any of the penalties provided
36 in this chapter on account of navigating such vessels with-
37 out a certificate of inspection.

Sect. 13. *Recovery of damages for death by collision, explosion or fire; persons damaged in person or property entitled to remedy; liability of owners, limited.* If the death of any person is caused by such collision, explosion or fire, his executors or administrators may recover therefor from the owners or master of the vessel, for the benefit of the widow and children, if any, of the deceased, otherwise for the benefit of his estate, such damages, not exceeding five thousand dollars, as the jury assess; and for the damages so recovered, a lien is created upon such vessel which takes precedence of all other liens, claims, rights or interest therein, and may be enforced by attachment against her on the original writ; any party claiming an interest in said vessel may intervene, and on proof of any right, claim or interest therein may be allowed to appear and defend the same; any person damaged in his person or property by such explosion or fire is entitled to like remedies to the same extent and effect and with the same proceedings for the recovery of his damages; if any of the crew of said vessel, or persons in her employment, thus sustains injury, his executors and administrators are entitled to all the benefit of this section, if the jury are satisfied that the negligence of the party thus injured did not occasion or contribute materially to the injury; the liability of the owners shall not exceed twice the value of the vessel at the commencement of the trip upon which the injury is sustained, and if the damages assessed in all the cases exceed such sum, the same shall be apportioned pro rata by the court in which the suit wherein

29 the earliest attachment was made is pending, and judgment
30 shall be rendered in the several cases against the owners
31 for the proportionate amount of double the value of such
32 vessel.

Sect. 14. *Penalty.* Any person who shall violate any of
2 the provisions of this act shall be punished by a fine of not
3 less than ten dollars nor more than five hundred dollars or
4 shall be imprisoned for not exceeding one year or by both
5 such fine and imprisonment. Municipal courts and trial
6 justices shall have concurrent jurisdiction with the superior
7 courts and supreme judicial courts to enforce this penalty.

Sect. 15. *Sections four to sixteen, chapter fifty-nine, R.*
2 *S., and chapter one hundred ninety-five, Laws of nineteen*
3 *hundred and twenty-one, repealed.* Sections four to six-
4 teen, both inclusive, of chapter fifty-nine of the revised stat-
5 utes, and chapter one hundred ninety-five of the laws of
6 nineteen hundred and twenty-one, are hereby repealed.

Sect. 16. In view of the emergency cited in the preamble
2 hereof, this act shall take effect when approved.