

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY-FIRST LEGISLATURE

SENATE

NO. 269

In Senate, March 21, 1923.

Reported by Mr. Spencer from Committee on Public Utilities and laid on table to be printed under joint rules.

L. ERNEST THORNTON, Secretary.

STATE OF MAINE

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

AN ACT Providing for Inspection, Registration and Safety of Vessels Engaged in Inland Navigation 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Fifty-nine of the Revised Statutes and Chapter One Hundred Ninety-five of the Laws of Nineteen Hundred and Twenty-one Repealed.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 the State of Maine heretofore has provided by law 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 passengers and property while so transported, and whereas the law hereinafter set forth provides for the safety of said passengers and property and con-

tains a clause repealing prior provisions for such safety, and whereas the terms of the present inspectors expire before the time when this act would automatically take effect, and whereas it is essential for the public peace, health and safety that the work shall be continued 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 vessel propelled by motive power other than steam.

Sect. 3. *Provisions for Lights; Penalty.* Every vessel

2 navigated upon any of the inland waters of this state, and
3 not subject to the authority of the United States inspection
4 laws, between 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, so constructed
4 as to show a uniform and unbroken light over an arc of the
5 horizon of ten points of the compass, and so fixed as to
6 throw the light from right ahead to two points abaft the
7 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, at a
3 distance of at least one mile, so constructed as to show a
4 uniform and unbroken light over an arc of the horizon of
5 ten points of the compass, and so fixed as to throw the light
6 from right ahead to two points abaft the beam on the port
7 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 of 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-
8 visions of this section shall be punished by a fine of ten
9 dollars.

Sect. 4. *Examination and Registration of Vessels.* Every

2 steamboat navigated upon inland waters, and every motor-
3 boat used for hire for the transportation of passengers or
4 freight upon inland waters and before being so employed
5 they shall be inspected and obtain from the commission a
6 certificate authorizing its use subject to the following pro-
7 visions: The owner or operator of any such vessel shall
8 make application to the commission for registration, sub-
9 ject to such reasonable rules and regulations as the com-
10 mission may make, which registration, if granted, shall ter-
11 minate on the last day of the calendar year in which it is
12 issued. A vessel kept for use or rental either by itself or
13 in connection with a camp, cottage or real estate, or used
14 in connection with any school or camp to which boys or
15 girls are admitted for compensation, or utilized by any offi-
16 cer, agent or employee of such camp or school, for the
17 transportation of any such boys or girls, shall be consid-
18 ered as kept for hire and shall be subject to the provisions
19 of this act.

Sect. 5. *Provisions for Safety.* Every vessel shall be
2 constructed so that the woodwork about the boilers, chim-
3 neys, fire-boxes, cook houses, stove and steam pipes ex-
4 posed to ignition shall be thoroughly protected by some
5 incombustible material, in such a manner as to permit the
6 air to circulate freely between such material and wood-
7 work and other ignitable substance; and before granting a
8 certificate of inspection, the commission shall require such

9 other provisions to be made as they shall deem necessary
10 to guard against loss or damage by fire.

Sect. 6. *Registration Number and Name Displayed.* Every
2 ery vessel subject to registration shall display upon each
3 side of the bow its registration number, in 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
2 thirty feet in length, measured from end to end along deck,
3 excluding sheer, subject to registration, shall have at least
4 one 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 boatmen.
12 The commission may make such rules and regulations as
13 it deems necessary, designating what boats, if any, shall be
14 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 the 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 places where
6 they are kept shall be indicated by printed notices, posted
7 in such places on the vessel as the commission shall direct.
8 Floats also may be required by the commission.

Any vessel or scow while towed by 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, together with a certificate, to be
5 kept on board said vessel or scow, stating what equipment
6 shall be carried.

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

Sect. 8. *Stairways and Gangways.* Every vessel whose
2 size and manner of construction requires it shall be pro-
3 vided with permanent stairways and other adequate means
4 for convenient passage from one deck to another, with
5 gangways sufficiently large to allow persons to pass with-
6 out obstruction, by freight or otherwise, fore and aft for
7 the entire length of the vessel, and to and along the guards
8 thereof.

Sect. 9. *Fees for Registration, Inspection and License.*

2 The owners of each vessel registered under this act shall
3 pay to the commission the sum of one dollar for each reg-
4 istration. The owners of each vessel inspected and cer-
5 tified under this act shall pay to the commission the sum
6 of five dollars for each inspection, and each person licensed
7 under this act shall pay to the commission the sum of two
8 dollars for every original license, and two dollars for each
9 renewal thereof; provided that in the case of a vessel of
10 three tons, or less, of gross measurement, no fees for in-
11 spection or license shall be required or paid; provided, also,
12 that in cases where the master is also pilot of the vessel,
13 he shall not be required to hold two licenses, but may act
14 in either or both capacities under one license, when the
15 license expressly authorizes him to do so. The commis-
16 sion shall account for all sums of money received under
17 this act, 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, ascer-
5 tain 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 employ any other means or device
4 whereby the boiler may be subjected to a greater pressure
5 than the amount allowed by the commission's certificate,
6 nor shall intentionally derange or hinder the operation of
7 any machinery or device employed to denote the state of
8 the water or steam in any boiler, or to give warning of
9 approaching danger, nor shall intentionally permit the wa-
10 ter to fall below the prescribed low water line of the 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
4 vessel, the age of the boilers, the pressure of steam it is
5 authorized to carry, the number of boats and life preservers
6 it requires, and the number of passengers it can transport.
7 One copy of this certificate and of section ten of this act
8 shall be kept posted in some conspicuous place upon such
9 vessel. If the commission refuses to grant a certificate to
10 any vessel, it shall make and deliver to the owners of the
11 vessel a statement in writing giving the reasons for such
12 refusal.

Sect. 11. *Officers to be Licensed; Penalty.* Every per-
2 son employed as master, pilot, engineer, or operator on any

3 vessel subject to the provisions of this act, shall be exam-
4 ined by the commission as to his qualifications, and if sat-
5 isfied therewith it shall grant him a license for the office,
6 which license shall expire on the last day of the calendar
7 year in which it is issued, unless sooner revoked by the
8 commission for intemperance, incompetency, or wilful vio-
9 lation of duty. The commission may grant a renewal of
10 such license upon written application and without further
11 examination, subject to such reasonable rules and regula-
12 tions as the commission may prescribe. Said license shall
13 be framed under glass and posted in some conspicuous place
14 on board such vessel. Whoever acts as master, pilot, en-
15 gineer or operator, without having first obtained such license,
16 shall be fined fifty dollars for every day he acts without
17 license. But any master, pilot, engineer or operator who
18 holds a license to navigate any such vessel may under such
19 license be employed on any other vessel owned or navigated
20 upon inland waters within this state.

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.*

5 Every vessel described in section four shall comply with
6 all the terms and provisions of this act, and with all orders,
7 regulations and requirements of the commission; and if
8 any such vessel is navigated without complying therewith,
9 or without the certificate of the commission, the owners

10 and master, severally, shall forfeit to the state five hundred
11 dollars for each offense, half thereof to the informer, un-
12 less otherwise provided, for which sum the vessel so en-
13 gaged is liable, and may be proceeded against by attach-
14 ment in a qui tam action, commenced within sixty days
15 after the commission of the offense, or said penalty may
16 be recovered by indictment. In case of damage by col-
17 lision, fire or explosion, the commission shall forthwith in-
18 vestigate the cause thereof, and if found to have been occa-
19 sioned by a violation of any of the aforesaid provisions, or
20 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 be instituted forthwith against
25 all parties liable. But if any such vessel is deprived of
26 the services of any licensed officer, without the consent,
27 fault or collusion of the master, owner or any person in-
28 terested in the vessel, the deficiency may be supplied tem-
29 porarily until another licensed officer can be obtained. Pro-
30 vided, however, that if the owners and master of such ves-
31 sel seasonably notify the commission of the expiration of
32 her certificate, and request a new inspection and certificate,
33 and said commission fails to make said inspection and issue
34 said certificate, when the vessel is entitled thereto, such
35 owners or master are not liable for any of the penalties
36 provided in this chapter on account of navigating such ves-
37 sel without a certificate of inspection.

Sect. 13. *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
4 or shall be imprisoned for not exceeding one year or by
5 both such fine and imprisonment. Municipal courts and
6 trial justices shall have concurrent jurisdiction with the
7 superior courts and supreme judicial courts to enforce this
8 penalty.

Sect. 14. *Sections Four to Sixteen, Chapter Fifty-nine,*
2 *R. S., and Chapter One Hundred Ninety-five, Laws of*
3 *Nineteen Hundred and Twenty-one, Repealed.* Sections
4 four to sixteen, both inclusive, of chapter fifty-nine of the
5 revised statutes, and chapter one hundred ninety-five of the
6 laws of nineteen hundred and twenty-one, are hereby re-
7 pealed.

Sect. 15. In view of the emergency cited in the preamble
2 hereof, this act shall take effect when approved.