

MAINE STATE LEGISLATURE

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EIGHTY-FIFTH LEGISLATURE

Legislative Document

No. 121

H. P. 211 House of Representatives, Jan. 27, 1931.

Referred to Committee on Legal Affairs. 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Goudy of South Portland.

STATE OF MAINE

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

AN ACT Regulating the Use, Handling, Storage and Sale of
Flammable Liquids.

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

Section 1. Chapter thirty-five of the revised statutes is hereby amended by adding after section twenty-four of said chapter the following sections, to be numbered as follows:

‘Sect. 24A. Use of flammable liquids regulated. All storage tanks, containers, and equipment for the use, handling, storage and sale of flammable liquids shall be designed, constructed, installed, maintained and used in accordance with recognized best standard practice, so as not to endanger life or property by fire or explosion.

Sect. 24B. Flammable liquids classified. For the purposes of sections twenty-four A to twenty-four G, inclusive, flammable liquids are divided into three classes, according to the flash point, as follows:

Class I. Liquids with flash point below twenty-five degrees Fahrenheit (-4 degrees Centigrade) closed cup tester.

Class II. Liquids with flash point above that for Class I and below seventy degrees Fahrenheit (21 degrees Centigrade) closed cup tester.

Class III. Liquids with flash point above that for Class II

and below one hundred eighty-seven degrees Fahrenheit (86 degrees Centigrade) closed cup tester.

Sect. 24C. When permit is necessary. A permit shall be obtained: (a) For the storage or handling of a total quantity of Class I liquids in excess of six gallons in any building, and in excess of ten gallons outside of any building. (b) For the storage or handling of a total quantity of Class II liquids in excess of ten gallons in any building and in excess of twenty-five gallons outside of any building. (c) For the storage or handling of a total quantity of Class III liquids in excess of twenty-five gallons inside any building, and in excess of fifty-five gallons outside of any building.

Sect. 24D. Permit, how issued; regulations. No person, firm or corporation shall install equipment for the storing, handling, or selling of flammable liquids without first obtaining a permit from the chief of the fire department in cities, towns or villages having a fire department, or from the fire ward, or other official having the authority of fire ward in cities, towns or villages having no fire department. The chief of the fire department, or other official corresponding thereto, shall forthwith make an inspection of the premises proposed to be used for such sale or storage, and the equipment for storage, and the means of distribution, and if the conditions, surroundings and arrangements comply with the provisions of section twenty-four A, he shall issue a permit. The following shall constitute prima facie evidence of such compliance, namely, installation of equipment for storage and means of use, handling and distribution in accordance with the latest regulations of the National Fire Protection Association for the use, handling, storage and sale of flammable liquids as published from time to time. The chiefs of fire departments, fire wards, or other municipal officials having authority of fire wards, may publish such supplementary regulations in accordance with section twenty-four A as may be necessary or convenient for the carrying out of the spirit of the provisions of sections twenty-four A to twenty-four G, inclusive.

Sect. 24E. Certificate of inspection. No person, firm or corporation shall maintain or operate equipment for the storing, handling or selling of flammable liquids without a certificate of inspection issued by the chief of the fire department, fire ward or other corresponding official of the city, town

or village where such equipment is located, which certificate shall be issued only after inspection of the equipment, and only where the equipment complies with the provisions of sections twenty-four A to twenty-four D, inclusive.

Sect. 24F. Reinspection; revocation of permit. Chiefs of fire departments, fire wards or other corresponding officials may reinspect equipments at any time and shall revoke the permit where conditions in violation of the provisions of sections twenty-four A to twenty-four G, inclusive, are found.

Sect. 24G. Penalties. Any person, firm or corporation violating any of the provisions of sections twenty-four A to twenty-four G, inclusive, or neglecting to secure a permit for installing storage tanks, containers, or equipment for the use, handling, storage or sale of flammable liquids, or using, maintaining, or operating the same without a certificate of inspection, shall be punished by a fine of not less than twenty dollars nor more than one hundred dollars, and in addition thereto by a fine of not less than twenty dollars nor more than fifty dollars for each day said violation is permitted to exist. Municipal and police courts and trial justices shall have jurisdiction of offenses under this section. In addition to the foregoing penalties, the premises in which such storage tanks, containers, or equipment are unlawfully kept or operated are hereby declared to be a common nuisance, and the person, firm or corporation keeping or operating the same may be punished as provided by law for keeping or maintaining a nuisance, and the penalties and remedies provided by the statutes concerning nuisances are hereby made applicable.

Sect. 2. Section twenty of chapter thirty-five of the revised statutes is hereby amended by striking out in the third and fourth lines of said section the words "petroleum, coal-oils, burning-fluids, naphtha, benzine" and substituting in place thereof the word 'coal-oils'; and by inserting in the sixth line of said section after the word "citizens" the following words: 'and which are not regulated under and by sections twenty-four A to twenty-four G, inclusive;', so that said section as amended shall read as follows:

'Sect. 20. Municipal officers to make regulations respecting gunpowder, explosive oils, and other dangerous substances; penalty. In every town, the municipal officers may make regulations, in conformity to which shall be kept in the town or

transported from place to place all gunpowder, coal-oils and all other explosive and illuminating substances which such officers adjudge dangerous to the lives or safety of citizens and which are not regulated under and by sections twenty-four A to twenty-four G, inclusive; and no person shall keep any such article in any other quantity or manner, than is prescribed in such regulations, under a penalty of not less than twenty dollars, nor more than one hundred dollars for each offense; all such articles may be seized by any of said officers as forfeited; and within twenty days after such seizure, may be labelled according to law.'