

MAINE STATE LEGISLATURE

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E I G H T Y - E I G H T H L E G I S L A T U R E

Legislative Document

No. 47

S. P. 71

In Senate, January 20, 1937.

Referred to Committee on Ways and Bridges. Sent down for concurrence and 500 copies ordered printed.

ROYDEN V. BROWN, Secretary.

Presented by Senator Friend of Somerset.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-SEVEN

AN ACT Relating to Safety of Highways.

Emergency preamble. Whereas, the security of the people of this state is threatened, and their welfare menaced by accidents on our streets and highways to the number of 217 fatalities and 28,000 accidents annually and in industrial establishments to the number of 28 fatalities and 15,000 accidents annually and,

Whereas, necessary preventive measures depend upon the early realization of funds from the sale of official inspection stickers and otherwise as provided for in this act, and

Whereas, the foregoing facts in the judgment of this legislature constitute an emergency within the meaning of the constitution of this state and require the following legislation as immediately necessary for the preservation of the public peace, health, and safety ;

Now, therefore,

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

Sec. 1. Statement of policy. This act is designed to create a department of safety to consolidate certain accident prevention activities and thus make

for greater efficiency and to provide facilities for the study, investigation and prevention of accidents on the streets and highways and in the industrial establishments of this state.

Sec. 2. Appointment of commissioner. A state department of safety shall be maintained under the direction of an officer whose title shall be commissioner of safety. He shall be appointed by the governor, with the advice and consent of the council, for a term of 5 years and shall hold office until his successor is appointed and qualified and shall be paid a salary to be determined by the governor with the advice and consent of the council and also his necessary travelling expenses. He shall have an office in the state capitol. He shall appoint such assistants as may be required for the work of the department and such assistants shall work under the supervision and direction of said commissioner and shall be paid their necessary travelling expenses in addition to their salaries. All expenses shall be audited and paid as provided by law.

Sec. 3. Work of department. The department shall study accident causes, collect and publish accident statistics, prepare and disseminate information relating to the prevention of motor vehicle and industrial accidents; advise and assist all state departments and officers, municipalities, industrial establishments, organizations, schools and individuals in accident prevention; sponsor safety conferences; devise mechanical safeguards, assist with the development of accident prevention programs in schools and industrial establishments; design, supervise and direct a complete program for the reduction of motor vehicle accidents on the streets and highways of this state and make such investigations as the governor and legislature may order.

Sec. 4. Duty of commissioner to report. It shall be the duty of the commissioner to furnish to the proper officials a complete report of results of studies and investigations; to report to the commissioner of labor and industry for prosecution under the labor laws any person or persons in charge of a workshop, factory or private works who refuse to make alterations or improvements such as may be deemed reasonable and necessary by the commissioner of safety for the protection of the employees of such factories and workshops and, on or before the 1st day of July, biennially, report to the governor such suggestions and recommendations as may be deemed necessary for his information and the information of the legislature.

Sec. 5. Authorized to gather facts and statistics. The commissioner or an authorized agent shall have access to court records, state and municipal records and to the records of any factory, mill, workshop or private works for the purpose of gathering facts, statistics and other information such as pertains to accident investigation or prevention and such as is contemplated by this act.

Sec. 6. Authority to enter and inspect manufacturing establishments. The commissioner or an authorized agent may enter any factory, workshop, mill, private works, state department or institution to gather information, investigate accidents or examine into the methods of protection from danger to employees. Information concerning processes, manufacturing methods, production and payrolls obtained by such investigation shall be considered confidential and shall not be disclosed without permission from the source from which they were obtained.

Sec. 7. Officers required to furnish information. All state, county, city and town officers are hereby directed to furnish to the commissioner of safety or his authorized agent, upon request, such statistical or other information contemplated by this act as shall be in their possession as such officers.

Sec. 8. Terms defined. The words "factory" and "workshop" used in certain sections of this act shall be understood to have the meaning as set forth under section 14, of chapter 49 of the revised statutes as amended.

Sec. 9. Commissioner of labor and industry to report hazards needing study, investigation and elimination. If the state factory inspector or any authorized agent of the department of labor and industry shall find upon inspection of a factory, workshop or private works, that methods, processes or equipment create hazards such as are difficult of correction or if the accident experience of a workshop, factory or private works is such as to indicate the need of investigation and assistance of the department of safety, a written report stating such facts shall be made promptly to the commissioner of safety by said state factory inspector. Immediately upon receipt of such a report the commissioner of safety shall conduct an investigation and make written recommendations to the manager or agent of such a workshop or factory setting forth therein the findings and recommendations for improvements.

Sec. 10. Financing of department. The secretary of state shall designate an adequate number of garages as official inspection stations for the purpose of inspecting motor vehicles as to proper condition of lights, brakes, horn or other signalling device, steering mechanism, and as to the proper location of rear-view mirrors and number plates, and as provided by the motor vehicle laws.

Every person, firm and corporation desiring to operate an official inspection station shall file an application for a certificate of appointment with the secretary of state. The secretary of state may authorize any or all of the members of the state police to furnish instructions, and to supervise official inspection and adjustment stations for corrections, adjustments, repairs and inspection of motor vehicles.

It is further provided that those accepting appointment to operate official inspection stations thereby agree to conduct the inspection of a vehicle for the sum of 50c for each vehicle inspected, said sum not to include labor for correcting faults in lights, brakes, horn or other signalling device, steering mechanism and as to the proper location of rear-view mirrors and number plates as provided by the motor vehicle laws and it is further agreed that those accepting an appointment to operate an official inspection station agree to make such reports as the secretary of state may deem necessary. It is further agreed that an official inspection sticker be applied to the windshield of each vehicle inspected and found to be in proper mechanical condition according to the motor vehicle laws of the state, said inspection stickers to be purchased from the secretary of state for the sum of 10c each.

The secretary of state shall have the authority to revoke the certificate of appointment of any official inspection station failing to comply with the provisions of this act.

The secretary of state shall have printed and sell official inspection stickers to official inspection stations for the sum of 10c each, all monies so obtained to be turned over to the state treasurer for deposit in a special account to be known as the "Highway Safety Fund", said fund to be expended by the commissioner of safety for the study and prevention of motor vehicle accidents, exclusively.

All motor vehicles shall have at least 2 inspections each year by an official inspection station as to the proper condition of lights, brakes, horn or other signalling device, steering mechanism, and as to the proper location of rear-view mirrors and number plates, and as provided by the motor vehicle laws, one inspection to be during the month of May and another inspection during the month of October.

Whoever upon any way or in any place to which the public has the right of access operates any vehicle without a proper official inspection

sticker affixed to the windshield thereof as set forth herein shall be guilty of operating said vehicle while it was in improper condition and shall be punished by a fine of not more than \$25 or by imprisonment for not more than 10 days, or by both such fine and imprisonment.

Provided, however, that this act shall not apply to out of state vehicles which can show proof of having been inspected in some other state within the last 6 months.

The sum of \$9,000 is hereby annually appropriated for the purpose of carrying out the provisions of this act insofar as they do not pertain to the study and prevention of motor vehicle accidents.

Sec. 11. Unexpended balances. All unexpended balances remaining at the end of any fiscal year, shall be carried over on the account of the department to be expended in the succeeding year for the purposes provided for in this act.

Sec. 12. Repealing clause. All acts and resolves inconsistent with this act are hereby repealed, but nothing in this act is intended to limit the jurisdiction, or otherwise interfere with the present functions of the police forces, the state highway commission or the motor vehicle division of the office of secretary of state.

Sec. 13. Emergency clause. In view of the emergency recited in the preamble hereof, this act shall take effect when approved.