

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

---

---

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

---

---

**Legislative Document**

**No. 1052**

---

---

H. P. 1982

House of Representatives, Mar. 17, 1939.

Reported by Mr. Cowan from Committee on Mercantile Affairs and Insurance and laid on table to be printed under joint rules.

HARVEY R. PEASE, Clerk.

---

---

S T A T E   O F   M A I N E

---

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
THIRTY-NINE

---

**AN ACT Amending the Acts Relating to the Prevention of Fires.**

---

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

**Sec. 1. R. S., c. 35, § 14, amended.** Section 14 of chapter 35 of the revised statutes is hereby amended to read as follows:

**'Sec. 14. Penalty for lighting or smoking pipe, cigarette or cigar in mills, shipyards, etc., contrary to notice.** No person shall enter any mill, millyard, factory, machine-shop, shipyard, covered bridge, stable, or other building, with a lighted pipe, **cigarette** or cigar, or shall light or smoke any pipe, **cigarette** or cigar therein, under a penalty of \$5, if a notice in plain legible characters that no smoking is allowed therein is kept in a conspicuous position over or near each principal entrance to such building or place; and whoever defaces, removes, or destroys such notice forfeits \$10.'

**Sec. 2. R. S., c. 35, § 20, amended.** Section 20 of chapter 35 of the revised statutes is hereby repealed, and the following enacted in place thereof:

**'Sec. 20. Insurance commissioner to make regulations respecting gunpowder, explosive oils, and other dangerous substances; penalty.** The insurance commissioner shall make, amend or rescind, after public hearing thereon, notice of which has been duly advertised in the state paper, reason-

able rules and regulations for the keeping or transporting from place to place in the state of all gunpowder, petroleum, coal-oils, burning-fluids, naphtha, benzine, and all other explosives and illuminating substances, which such commissioner believes dangerous to the lives or safety of citizens.

Such rules and regulations shall become effective when approved in writing by the governor and council and when a certified copy thereof has been filed with the secretary of state. Any person aggrieved by any such rule or regulation or the reasonableness of same or any act or order of the insurance commissioner in enforcing any such rule or regulation may appeal to a justice of the superior court by presenting to him a petition therefor in term time or vacation, and he shall fix a time and place of hearing which may be at chambers, or in vacation, and cause notice thereof to be given to the commissioner, and after the hearing, the justice may affirm or reverse the rule, regulation, act or order of the commissioner, and the decision of such justice shall be final.

Said commissioner may waive the requirements of any such rules or regulations to cover any special circumstances, conditions or localities.

No person shall keep or transport any such article in any quantity or manner, except as prescribed in such regulations, unless waived by the commissioner as hereinbefore provided, under a penalty of not less than \$20 nor more than \$100 for each offense; all such articles may be seized by any peace officer and forfeited; and within 20 days after such seizure, may be libeled according to law. Cities and towns may also make and enforce reasonable ordinances or by-laws, not inconsistent with said rules and regulations.'

Sec 3. R. S., c. 35, § 46, amended. Section 46 of chapter 35 of the revised statutes is hereby amended to read as follows:

'Sec 46. Upon complaint, state factory inspector or deputy or insurance commissioner or deputy to make investigation. Whenever it comes to the knowledge of the state factory inspector or his deputy, or to the insurance commissioner or his deputy, or if complaint is made to such state factory inspector or his deputy, or to the insurance commissioner or his deputy by any citizen of the state, that any of the above named officers have failed to comply with any provision of sections 37 to 44, both inclusive, the state factory inspector or his deputy, or the insurance commissioner or his deputy shall at once proceed to investigate such complaint, and if sufficient

evidence can be obtained, he shall at once institute proceedings against such officer, and the county attorney shall prosecute the same.'

**Sec. 4. R. S., c. 35, § 48, amended.** Section 48 of chapter 35 of the revised statutes is hereby amended to read as follows:

**'Sec. 48. Insurance commissioner upon complaint may inspect buildings; combustible or other dangerous matter may be removed.** The insurance commissioner, his deputy, or the fire inspector, upon the complaint of any person, or whenever he or they shall deem it necessary, may inspect or cause to be inspected all buildings and premises within their jurisdiction. Whenever any of said officers shall find any building or other structure which, for want of repairs, or by reason of age or dilapidated condition, or from any other cause, is especially liable to fire, and which is so situated as to endanger other property, **or the safety of the public**, and whenever such officer shall find in or around any building combustible or explosive matter, or inflammable or other conditions dangerous to the safety of such buildings, he shall order the same to be removed or remedied, and such order shall forthwith be complied with by the owner or occupant of such premises or buildings. If such order is made by any fire inspector, such owner or occupant may, within 24 hours appeal to the insurance commissioner, who shall, within 10 days, review such order and file his decision thereon, and his decision shall be final and shall be complied with within such time as may be fixed in said order or decision of the insurance commissioner.'

**Sec. 5. R. S., c. 35, § 53, amended.** Section 53 of chapter 35 of the revised statutes is hereby amended to read as follows:

**'Sec. 53. Witnesses may be compelled to attend hearing, and give testimony under oath; penalty for false swearing; commissioner may enter any building when fire is in progress; investigations may be private.** The insurance commissioner, the deputy insurance commissioner, and the municipal officers of cities and towns shall each have the powers of a trial justice for the purpose of summoning and compelling the attendance of witnesses before them or either of them, to testify in relation to any matter which is by the provisions of the 3 preceding sections a subject of inquiry and investigation, **and to compel the production of all books, records, documents and papers pertaining to said subject of inquiry and investigation.** Said insurance commissioner, deputy insurance commissioner, and municipal officers may also administer oaths and affirmations to persons appearing as witnesses before them; and false swearing in any matter or proceeding aforesaid shall be deemed perjury and shall be punished as such. Said

insurance commissioner and his subordinates shall have authority, at all times of the day or night, in the performance of the duties imposed by this chapter, to enter upon and examine any building or premises where a fire is in progress or has occurred, and other buildings or premises adjoining or near the same. All investigations held by or under the direction of the insurance commissioner, deputy insurance commissioner, or the municipal officers may in their discretion be private, and persons other than those required to be present by the provisions hereof may be excluded from the place where such investigation is held, and witnesses may be kept separate and apart from one another and not allowed to communicate with one another until they have been examined.'

**Sec. 6. R. S, c. 35, § 56, amended.** Section 56 of chapter 35 of the revised statutes is hereby amended to read as follows:

**'Sec. 56. Municipal officers to keep record of returns.** Municipal officers shall record or cause to be recorded, ~~in a book provided by the insurance commissioner,~~ all returns made under the provisions of the 6 preceding sections.'