

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE.

1874.

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1874.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1874.

Chapter 171.**CHAP. 171.**

An act to amend chapter eighteen of the revised statutes, relating to ways in unincorporated places.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

SECT. 1. Section thirty-five of the eighteenth chapter of the revised statutes is hereby repealed.

Sec. 35, ch. 18, R. S., repealed.

SECT. 2. Section thirty-six of the same chapter is hereby amended by inserting the word 'appellate' before the word "court," in the first line of said section; and also by inserting the words 'as hereinafter provided,' after the word "court," in the first line, so that said section as amended shall read as follows :

Sec. 36, ch. 18, R. S., amendment of.

'SECT. 36. If the final decision of the commissioners, or the appellate court, as hereinafter provided, is against the prayer of the petition, no new petition for the same road shall be entertained by the commissioners for one year thereafter.'

New petition not entertained for one year after final decision.

Approved February 18, 1874.

Chapter 172.

An act to provide for the security of life on board vessels propelled in whole or in part by steam, on the inland waters of this state.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

SECT. 1. All steamboats carrying passengers for hire upon any of the inland waters in this state, are hereby made subject to the provisions of this act; before being employed in transportation of passengers, they shall be examined and receive the certificate of the inspectors authorizing their employment.

Steamboats on inland waters, inspection of.

—to receive certificate of inspectors.

SECT. 2. The governor, with the advice and consent of the council, shall appoint two inspectors of steamboats, of suitable qualifications to perform the services required by this act, one of whom shall have a practical knowledge of ship building, and the other, of the construction and use of boilers, engines and their appurtenances; they shall be sworn to the faithful performance of their duties, and continue in office for five years, unless sooner removed for good cause, and may be reappointed at the expiration of their term.

—inspectors, appointment and qualification of.

—term of office.

SECT. 3. All vessels mentioned in the first section of this act, shall be constructed so that the wood work about the boilers, chimneys, fire boxes, cook houses, stove and steam pipes exposed to ignition, shall be thoroughly shielded by some incombustible

Steamboats, how constructed.

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Inspectors shall require all necessary provisions for safety to be made.

Vessels to be supplied with good boats, life lines, &c.

Discipline of crews.

Life preservers to be provided.

Floats, &c.

Buckets and axes to be furnished.

Stairways and gangways to be provided.

—penalty for obstructing.

Inspectors, duty of.

—may require improvements to be adopted.

material, in such a manner as to leave the air to circulate freely between such material and wood work or other ignitable substance; and before granting a certificate of inspection, the inspectors shall require all other necessary provisions to be made throughout such vessel as they shall judge expedient to guard against loss or damage by fire.

SECT. 4. Every such vessel shall have at least one good substantial boat, with life lines attached, and properly supplied with oars, and kept tight and in good condition at all times and ready for immediate use, and also such other boats, if any, as the inspectors, on account of the route or the number of passengers, may deem requisite; and it shall be the duty of the master of such vessel to exercise and discipline his crew in the launching, use and management of the boats until they become skilful boatmen.

SECT. 5. Every vessel mentioned in the first section of this act shall be provided with a good life preserver, to the acceptance of the inspectors, made of suitable material, for every passenger she shall be authorized to transport, and also for every one of her crew, which life preservers shall be kept in convenient, accessible places in such vessel, in readiness for immediate use in case of accident, and the places where the same are so kept shall be designated in the inspectors certificate, and also pointed out by printed notices posted in such places as the inspector shall direct; floats may also be required by said inspectors. Every such vessel shall carry, in convenient places, at least ten buckets filled with water, with dip lines attached, and three axes in good order; the inspectors may require a larger number of buckets and axes if they deem it necessary.

SECT. 6. Every such vessel shall be provided with permanent stairways and other sufficient means convenient for passing from one deck to the other, with gangways sufficiently large to allow persons to freely pass, which shall always be open, fore and aft, of the length of the vessel, and also to and along the guards, and any persons obstructing said gangways by freight or in any other manner, shall pay a fine of fifty dollars.

SECT. 7. It shall be the duty of the inspectors annually, or oftener if they have good cause to believe it reasonable, to inspect every vessel of the description mentioned in the first section of this act, to examine carefully her hull, engine, boiler, boats and other equipments, to apply proper tests to her boilers, and ascertain for how long it will be safe to use the same, and determine the pressure of steam to be allowed, and they shall regulate the fusible plugs, safety valves and steam cocks, so as to ensure safety; and may require such changes and repairs and improvements to be adopted and used as they shall deem prudent for the contemplated route; they shall also fix the number of passengers

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to be transported, and no greater number shall be received or allowed at any one time, under a penalty of ten dollars, to be paid by the master, for each passenger in excess of the allowed number, unless special permission is first obtained therefor from the inspectors, under such precautions as they may deem expedient.

Inspectors shall fix number of passengers to be transported.
Penalty for violation.

SECT. 8. The inspectors, if satisfied that such vessel is in all respects safe and in conformity to the provisions of this act and their requirements, shall give their certificate, setting forth the age of the vessel and date of inspection, the name of the master and vessel, the age of the boilers, the pressure of steam she is authorized to carry, the number of boats and life preservers required, and the number of passengers she can transport, one copy of which certificate and of this act shall be kept posted in some conspicuous place upon such vessel.

Certificate of inspection, specifications of.

—to be posted in some conspicuous place.

SECT. 9. If any person shall intentionally load or obstruct or cause to be loaded or obstructed in any way or manner the safety valve of the boiler, or shall employ any other means or device whereby the boiler may be subjected to a greater pressure than the amount allowed by the inspector's certificate, or shall intentionally derange or hinder the operation of any machinery or device employed to denote the stage of the water or steam in any boiler or to give warning of approaching danger, or shall intentionally permit the water to fall below the prescribed low water line of the boiler, it shall in any such case be felony, and any person concerned therein, directly or indirectly, shall be fined not exceeding five hundred dollars or imprisoned not exceeding five years; if death shall be occasioned by such felony the party committing the same shall be deemed guilty of manslaughter, and shall be imprisoned not less than two nor more than ten years.

Certain acts to be deemed felony.

Felony, punishment of.

SECT. 10. Every person employed as an engineer or assistant engineer on board such vessel shall be first examined by the inspectors as to his qualifications for the office, and if satisfied therewith they shall grant him a license for the office which shall be kept posted in the engine room of the vessel; any person acting as engineer or assistant engineer without having first received such license, shall, on conviction, pay a fine of fifty dollars for every day he shall so act; such license may continue in force so long as the party holding the same shall continue upon such vessel, but if at any time such person shall become intemperate or incompetent, or shall be guilty of a wilful violation of any of the duties of his office, upon notice and satisfactory proof the license shall be revoked by the inspectors.

Engineers to be licensed by inspectors.

—penalty for violation.

License may be revoked.

SECT. 11. All vessels described in the first section of this act shall comply with all the terms and provisions of this act, and with all orders, regulations and requirements of the inspectors; and if any such vessel shall be navigated without complying

Certain vessels shall comply with terms of this act.

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Penalty for neglect.

Damage by fire or steam, inspectors to investigate forthwith.

Parties liable to be prosecuted.

In case of death of any person, damages, how assessed and recovered.

Parties interested, may defend.

Persons damaged entitled to remedy.

Crews or employees, remedy for damages.

Damages, how assessed.

Inspectors, compensation of.

therewith, or without the certificate of the inspectors, the owner or owners and master shall severally forfeit and pay to the state the sum of five hundred dollars for each offense, one-half to the use of the informer, unless otherwise provided, for which sum the vessel so engaged shall be liable, and may be proceeded against in a *quæ tam* action by attachment commenced within sixty days after the commission of the offense, or may be recovered by indictment. In case of damage by fire, or by explosion of steam, it shall be the duty of the inspectors forthwith to investigate the cause thereof, and if found by them to have been occasioned by any violation of any of the provisions of this act or of the orders, regulations and requirements of said inspectors, it shall be their duty to so certify to the governor, and also to the county attorney in the county where the offense shall have been committed, together with the names of the parties and witnesses, and prosecution shall forthwith be instituted against all parties liable.

SECT. 12. If the death of any person shall be caused by such explosion or fire, the executors or administrators of the deceased may recover therefor from the owners or masters 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 shall assess; and for the damages so recovered, a lien is hereby created upon such vessel, which shall take precedence of all other liens, claims, rights or interest in said vessel, 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, shall be entitled to like remedies to the same extent and effect and with same proceedings for the recovery of his damages; any of the crew of said vessel, or persons in her employment, thus sustaining injury, his executors and administrators shall be entitled to all the benefit of the provisions of this section, if the jury shall be 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 shall be sustained, and in case the damages assessed in all the cases exceed such sum, the same shall be apportioned *pro rata* by the court in which the suit is pending, in which the earliest attachment was made and judgment rendered in the several cases against the owners for the proportionate amount of the double value of the vessel.

SECT. 13. The inspectors shall each receive from the state the sum of five dollars per day for the time they are actually employed under this act, and shall also be paid their actual traveling

expenses incurred in performing the duties imposed upon them by this act. The owners of each vessel inspected and certified under this act shall pay to the inspectors the sum of five dollars, and each person licensed under this act shall pay the sum of one dollar to the inspectors for the license, and the inspectors shall account for all such sums to the governor and council and pay the same into the state treasury. The accounts of the inspectors for compensation and expenses under this act shall be audited by the governor and council.

CHAR. 173.

Fees for inspection and licenses.

Inspectors accounts, how audited.

SECT. 14. This act shall take effect when approved.

Approved February 18, 1874.

Chapter 173.

An act establishing the compensations of the county commissioners for Cumberland county.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

Section twenty-one of chapter seventy-eight of the revised statutes is hereby amended by striking out the word "six," in the second line, and inserting in lieu thereof the word 'seven,' and in the third line by striking out the word "five," and inserting the word 'six,' so that said section as amended shall read as follows :

Sec. 21, ch. 78, R. S., amendment of.

'SECT. 21. The chairman of the commissioners of Cumberland county shall receive a salary of seven hundred dollars, and the other two, of six hundred dollars each, payable quarterly from the county treasury, which shall be in full for all services, travel and expenses ; in taxing costs on refusal to lay out, alter or discontinue a way, they shall record their time and travel as in section eighteen, and at the end of each year, shall make out a statement of the financial condition of the county, showing in detail all moneys received into, and paid out of, the treasury, and such other facts and statistics as may be necessary to exhibit the true state of the finances of the county, and publish, in pamphlet form, a reasonable number of copies for distribution among the citizens of the county.'

County commissioners, Cumberland co., salaries established.

—shall record time and travel.

—shall make and publish annual statement of finances of county

Approved February 18, 1874.