

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-first Legislature

OF THE

STATE OF MAINE

1923

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Eighty-First Legislature

1923

[supplied from page 1 of volume]

Chapter 148.

An Act Additional to Chapter Seventy-seven of the Revised Statutes, Relating to Who Shall Cite a Trust Officer to Account.

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

R. S., c. 77; amended by adding new section. Chapter seventy-seven of the revised statutes is hereby amended by adding thereto the following section, which shall be called section twenty-one:

'Sec. 21. Surety on probate bond may cite trust officer for an accounting. Whenever any surety on any probate bond has reason to believe that the trust officer has depleted, or is wasting or mismanaging the estate, such surety may cite such trust officer before the judge of probate in the same manner as trust officers may be cited by the provisions of sections seventy-one, seventy-two and seventy-three of chapter sixty-eight of the revised statutes; and if upon hearing the judge of probate is satisfied that the estate held in trust by such officer has been depleted, wasted or mismanaged, he may remove said trust officer and appoint another in his stead.'

Approved April 4, 1923.

Chapter 149.

An Act Providing for Inspection, Registration and Safety of Vessels Engaged in Inland Navigation under the Jurisdiction of the Public Utilities Commission, and Repealing Sections Four to Sixteen, Inclusive, of Chapter Fifty-nine of the Revised Statutes, and Chapter One Hundred and Ninety-five of the Public Laws of Nineteen Hundred and Twenty-one.

Emergency preamble. 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 contains 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, therefore,

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

Sec. 1. Inspection of vessels navigated on inland waters of state placed under jurisdiction of public utilities commission. Every vessel subject to

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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.

Sec. 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.

Sec. 3. Lights to be shown; how lights shall be fitted; penalties. Every vessel navigated upon any of the inland waters of this state, and not subject to the authority of the United States inspection laws, between the hours of sunset and sunrise shall show:

1. On the starboard or right side a green light, of such a character as to be visible on a dark night with a clear atmosphere, at a distance of at least one mile, so constructed as to show a uniform and unbroken light over an arc of the horizon of ten points of the compass, and so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side.

2. On the port or left side a red light of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least one mile, so constructed as to show a uniform and unbroken light over an arc of the horizon of ten points of the compass, and so fixed as to throw the light from right ahead to two points abaft the beam on the port side.

The green and red lights shall be fitted with inboard screens, so as to prevent the lights from being seen across the bow and the illuminated portion of such lights or lenses shall be not less than three inches in diameter. Provided, however, that in the case of small vessels the public utilities commission may make special rules for lights of a different character. Whoever neglects or refuses to observe the provisions of this section shall be punished by a fine of ten dollars.

Sec. 4. Steamboats and motor-boats shall be inspected; certificate of inspection; vessels kept for use in connection with camps and schools

subject to provisions. Every steamboat navigated upon inland waters, and every motor-boat used for hire for the transportation of passengers or freight upon inland waters, before being so employed, shall be inspected and obtain from the commission a certificate authorizing its use subject to the following provisions: The owner or operator of any such vessel shall make application to the commission for registration, subject to such reasonable rules and regulations as the commission may make, which registration, if granted, shall terminate on the last day of the calendar year in which it is issued. A vessel kept for use or rental either by itself or in connection with a camp, cottage or real estate, or used in connection with any school or camp to which boys or girls are admitted for compensation, or utilized by any officer, agent or employee of such camp or school, for the transportation of any such boys or girls, shall be considered as kept for hire and shall be subject to the provisions of this act.

Sec. 5. Woodwork about boilers, chimneys, etc., to be protected. Every vessel shall be constructed so that the woodwork about the boilers, chimneys, fire-boxes, cook houses, stove and steam pipes exposed to ignition shall be thoroughly protected by some incombustible material, in such a manner as to permit the air to circulate freely between such material and woodwork and other ignitable substance; and before granting a certificate of inspection, the commission shall require such other provisions to be made as they shall deem necessary to guard against loss or damage by fire.

Sec. 6. Registration number to be displayed; certain vessels to have name painted on sides of bow. Every vessel subject to registration shall display upon each side of the bow its registration number, in numerals painted upon or attached thereto, of suitable size and color and so placed as to be always plainly visible. Every such vessel more than thirty feet in length measured from end to end over deck, excluding sheer, shall have her name painted upon each side of the bow or attached thereto in letters of suitable size and color and so placed as to be always plainly visible. The name of such vessel shall not be changed without the consent of the commission.

Sec. 7. Boats, properly equipped, to be carried by vessels over 30 feet in length; life preservers. Every vessel more than thirty feet in length, measured from end to end along deck, excluding sheer, subject to registration, shall have at least one substantial boat, with life lines attached, properly supplied with oars, kept tight and in good condition at all times, and ready for immediate use. In addition thereto, such other boats shall be carried as the commission, on account of the route or the number of passengers, may deem requisite. It shall be the duty of the master of such vessel to exercise and discipline his crew in the launching, use and

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management of the boats until they become skilful boatmen. The commission may make such rules and regulations as it deems necessary, designating what boats, if any, shall be carried by vessels less than thirty feet in length.

Every vessel shall be provided with one life preserver, approved by the commission, for each passenger and each member of the crew. The 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 they are kept shall be indicated by printed notices, posted in such places on the vessel as the commission shall direct. Floats also may be required by the commission.

Any vessel or scow while towed by another vessel shall have on board one life preserver for each person on board and shall carry such other equipment as is deemed necessary by the commission, together with a certificate, to be kept on board said vessel or scow, stating what equipment shall be carried.

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

Sec. 8. Stairways and gangways to be provided. Every vessel whose size and manner of construction require it shall be provided with permanent stairways and other adequate means for convenient passage from one deck to another, with gangways sufficiently large to allow persons to pass without obstruction, by freight or otherwise, fore and aft for the entire length of the vessel, and to and along the guards thereof.

Sec. 9. Fees for registration, inspection, licensing; fees to be paid into state treasury. The owners of each vessel registered under this act shall pay to the commission the sum of one dollar for each registration. The owners of each vessel inspected and certified under this act shall pay to the commission the sum of five dollars for each inspection, and each person licensed under this act shall pay to the commission the sum of two dollars for every original license, and two dollars for each renewal thereof; provided that in the case of a vessel of three tons, or less, of gross measurement, no fees for inspection or license shall be required or paid; provided, also, that in cases where the master is also pilot of the vessel, he shall not be required to hold two licenses, but may act in either or both capacities under one license, when the license expressly authorizes him to do so. The commission shall account for all sums of money received under this act, and pay the same into the state treasury.

Sec. 10. Annual inspections provided for; commission to fix carrying

capacity; safety valve not to be loaded or obstructed; certificate of inspection, how made up and posted. The commission shall annually, or oftener, inspect every vessel of the description mentioned in section four, examine her hull, engine, boiler, boats and other equipment, apply proper tests to her boilers, ascertain how long it will be safe to use the same, determine the pressure of steam allowed, regulate the fusible plugs, safety valves and steam cocks, so as to insure safety; require such changes, repairs and improvements to be adopted and made as they shall deem prudent for the contemplated route. The commission shall fix the number of passengers to be transported, and no greater number shall be received or allowed at any one time, unless special permission is first obtained therefor, under such precautions as the commission may deem expedient.

No 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 employ any other means or device whereby the boiler may be subjected to a greater pressure than the amount allowed by the commission's certificate, nor shall intentionally derange or hinder the operation of any machinery or device employed to denote the state of the water or steam in any boiler, or to give warning of approaching danger, nor shall intentionally permit the water to fall below the prescribed low water line of the boiler.

The commission, if satisfied that any vessel is in all respects safe and in conformity with the provisions of this act, shall give its certificate, setting forth the age of the vessel, the age of the boilers, the pressure of steam it is authorized to carry, the number of boats and life preservers it requires, and the number of passengers it can transport. One copy of this certificate and of section ten of this act shall be kept posted in some conspicuous place upon such vessel. If the commission refuses to grant a certificate to any vessel, it shall make and deliver to the owners of the vessel a statement in writing giving the reasons for such refusal.

Sec. 11. Masters, pilots, engineers and operators, to be examined and licensed; license to be posted on vessel; penalty. Every person employed as master, pilot, engineer, or operator on any vessel subject to the provisions of this act, shall be examined by the commission as to his qualifications, and if satisfied therewith it shall grant him a license for the office, which license shall expire on the last day of the calendar year in which it is issued, unless sooner revoked by the commission for intemperance, incompetency, or wilful violation of duty. The commission may grant a renewal of such license upon written application and without further examination, subject to such reasonable rules and regulations as the commission may prescribe. Said license shall be framed under glass and

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posted in some conspicuous place on board such vessel. Whoever acts as master, pilot, engineer or operator, without having first obtained such license, shall be fined fifty dollars for every day he acts without license. But any master, pilot, engineer or operator who holds a license to navigate any such vessel may under such license be employed on any other vessel owned or navigated upon inland waters within this state.

Sec. 12. Vessels to comply with provisions of this act; penalty for navigating contrary to provisions; commission to investigate accidents. Every vessel described in section four shall comply with all the terms and provisions of this act, and with all orders, regulations and requirements of the commission; and if any such vessel is navigated without complying therewith, or without the certificate of the commission, the owners and master, severally, shall forfeit to the state five hundred dollars for each offense, half thereof to the informer, unless otherwise provided, for which sum the vessel so engaged is liable, and may be proceeded against by attachment in a qui tam action, commenced within sixty days after the commission of the offense, or said penalty may be recovered by indictment. In case of damage by collision, fire or explosion, the commission shall forthwith investigate the cause thereof, and if found to have been occasioned by a violation of any of the aforesaid provisions, or of the orders, regulations and requirements of said commission, they shall so certify to the attorney general, and to the county attorney in the county where the offense was committed, together with the names of the parties and witnesses, and prosecution shall be instituted forthwith against all parties liable. But if any such vessel is deprived of the services of any licensed officer, without the consent, fault or collusion of the master, owner or any person interested in the vessel, the deficiency may be supplied temporarily until another licensed officer can be obtained. Provided, however, that if the owners and master of such vessel seasonably notify the commission of the expiration of its certificate, and request a new inspection and certificate, and said commission fails to make said inspection and issue said certificate, when the vessel is entitled thereto, such owners or master are not liable for any of the penalties provided in this chapter on account of navigating such vessel without a certificate of inspection.

Sec. 13. Penalties; jurisdiction of courts. Any person who shall violate any of the provisions of this act shall be punished by a fine of not less than ten dollars nor more than five hundred dollars or shall be imprisoned for not exceeding one year or by both such fine and imprisonment. Municipal courts and trial justices shall have concurrent jurisdiction with the superior courts and supreme judicial courts to enforce this penalty.

Sec. 14. R. S., c. 59, sec. 4-16; P. L., 1921, c. 195; repealed. Sections

four to sixteen, both inclusive, of chapter fifty-nine of the revised statutes, and chapter one hundred and ninety-five of the public laws of nineteen hundred and twenty-one, are hereby repealed.

Sec. 15. Emergency clause. In view of the emergency cited in the preamble hereof this act shall take effect when approved.

Approved April 4, 1923.

Chapter 150.

An Act for the Better Protection of Banks in Particular Transactions.

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

Sec. 1. Stop-payment orders on checks and drafts not effective after 90 days unless renewed. No revocation, countermand or stop-payment order relating to the payment of any check or draft against an account of a depositor in any bank or trust company doing business in this state shall remain in effect for more than ninety days after the service thereof on the bank, unless the same be renewed, which renewals shall be in writing and which renewals shall be in effect for not more than ninety days from the date of service thereof on the bank or trust company, but such renewals may be made from time to time. All notices affecting checks upon which revocation, countermand or stop-payment order have been made at the time of the taking effect of this act shall not be deemed to continue for a period of more than ninety days thereafter.

Sec. 2. Checks presented after one year after date may be refused payment. Where a check or other instrument payable on demand at any bank or trust company doing business in this state is presented for payment more than one year from its date, such bank or trust company may, unless expressly instructed by the drawer or maker to pay the same, refuse payment thereof and no liability shall thereby be incurred to the drawer or maker for dishonoring the instrument by non-payment.

Sec. 3. Banks not liable for non-payment of checks through mistake or error, unless actual damage is shown. No bank or trust company doing business in this state shall be liable to a depositor because of the non-payment through mistake or error and without malice of a check which should have been paid unless the depositor shall allege and prove actual damage by reason of such non-payment and in such event the liability shall not exceed the amount of damage so proved.

Sec. 4. Banks may forward checks and notes direct to payor bank; forwarding bank not liable if due diligence used. Any bank, banker or trust company, hereinafter called bank, organized under the laws of, or