

MAINE STATE LEGISLATURE

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FOURTH REVISION.

THE
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED AUGUST 29, 1883, AND TAKING EFFECT JANUARY 1, 1884.

BY THE AUTHORITY OF THE LEGISLATURE.



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CHAPTER 26.

ENGINE MEN, FIRES, AND THE PREVENTION OF FIRES.

ENGINE MEN AND FIRES.

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5. When town officers may discharge engine men, or assign to special duty.
6. Election of fire wards, notice to same, and penalty for not entering acceptance or refusal of office within three days.
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8. Powers of fire wards to require aid, appoint guards and suppress tumults; penalty for refusing to obey them.
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15. Penalty for kindling fires on land without consent of owner; also, in case fire spreads and does damage to others.
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32. Penalty for neglect of foregoing duties by town officers, or fire engineers.
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35. Organization and oath of jurors.
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38. Fees of officer and jurors to be added to town tax; how collected.

ENGINE MEN AND FIRES.

Towns may prescribe rules for care and management of engines and apparatus. R. S., c. 26, § 1.
—employment of men.
—appointment of officers.

SEC. 1. Any town, corporation or individuals providing fire engines, hose, ladders, or other apparatus for the extinguishment of fires, or the preservation of life or property from destruction at fires, may by ordinances, or by-laws, prescribe rules and regulations for the care and management thereof, for the employment and compensation of men, not exceeding sixty to each engine, whether engine men or other persons, and for the appointment of officers to govern them when on duty and to take charge of such apparatus, and may prescribe their style, rank, powers and duties.

Such officers have powers of fire wards. R. S., c. 26, § 2.

SEC. 2. The engineers, or other officers chosen by any town under any ordinance or by-law, shall in addition to the powers thereby conferred, exercise all the powers and duties of fire wards as prescribed in this chapter, unless restricted by the ordinance or by-law under which they are chosen; and such towns are responsible for the acts of their said officers, as for the acts or orders of fire wards in similar cases; and such firemen and engine men, so employed, have all the powers and privileges, and are subject to all the duties and liabilities of engine men, as prescribed in this chapter.

—towns liable for acts of.

—powers, privileges and duties of men so employed.

Engine men excused from serving as jurors. R. S., c. 26, § 3. 71 Me., 348.

SEC. 3. Such engine men shall be excused from serving as jurors in any court, unless their towns otherwise decide; continue in office during the pleasure of the municipal officers; meet annually to elect such officers as are deemed necessary to give efficiency to their operations; establish such rules and regulations respecting their duty, as are approved by said municipal officers and not repugnant to law, and affix penalties to be recovered by their clerk, not exceeding six dollars for any one offence.

Duty of engine companies. R. S., c. 26, § 4.

SEC. 4. Companies of engine men shall meet once every month, and oftener if necessary, to examine the state of their engines and the appendages thereof; and by night or by day without delay, under the direction of the fire wards, they shall use their best endeavors to extinguish all fires in the town, or in its immediate vicinity.

Discharge of negligent engine men, and selection of engine men for other duties at fires. R. S., c. 26, § 5.

SEC. 5. On proof of negligence, the municipal officers may discharge any engine man or member of a company organized under special laws from the company, and appoint some other person in his stead; and they may select from the engine men any number for each engine in their town, who shall, under the direction of the fire wards, attend fires therein with axes, fire hooks, fire sails, and ladders, and perform such further duty as said officers from time to time prescribe.

Election of fire wards. —penalty for not promptly accepting or

SEC. 6. Each town, at its annual meeting, may elect as many fire wards as it deems necessary; and each person so chosen shall be notified in three days, and shall enter his acceptance or refusal of the office, with

the town clerk, within three days after such notice, on penalty of ten dollars, unless excused by the town; and if excused, the town shall elect another in his place.

SEC. 7. When a fire breaks out in any town, the fire wards shall immediately attend at the place with their badges of office; and when there, any three of them may direct any building to be pulled down or demolished, if they judge it necessary to prevent the spread of the fire; but in their absence the major part of the municipal, or any two civil or military officers present, in the order in which they are named, have the same power.

SEC. 8. During the continuance of any fire, said fire wards or other officers may require assistance in extinguishing the fire and removing merchandise and furniture; appoint guards to secure the same and to aid in pulling down or demolishing buildings and suppressing disorder and tumult; and generally may direct all operations to prevent further destruction or damage; any person refusing to obey their orders forfeits ten dollars.

SEC. 9. The chief engineer, engineers, fire wards, and other officers appointed for particular localities under special laws, have the same power as fire wards to pull down or demolish buildings in order to prevent the spreading of fires, and to do other things for the extinguishment thereof; and the town to which they belong is liable to pay such compensation for damages consequent upon their acts, as other towns are for similar damages; and the members of the fire department in such localities shall enjoy all the privileges, and be liable to all the duties of other firemen; but nothing herein shall be construed to control the manner of their election.

SEC. 10. If the pulling down or demolishing of any building, except that in which the fire originated, is the means of stopping the fire, or if the fire is stopped before it comes to the same, then the owner of such building is entitled to recover a reasonable compensation therefor from the town, in a special action on the case.

SEC. 11. Whoever steals, carries away, or conceals any property not his own, at a fire, or exposed by reason thereof, and does not give notice of it to the owner or one of the fire wards, shall be deemed guilty of larceny and punished accordingly.

PREVENTION OF FIRES.

SEC. 12. No person shall occupy any tenement in a maritime town for sail-making, rigging, or as a livery-stable, except where the municipal officers direct; whoever violates this section, forfeits ten dollars a month during the continuance of such occupancy.

SEC. 13. On complaint of any citizen that a chimney, stove, stove pipe, oven, furnace, boiler or appurtenance is defective, out of repair, or so placed in any building as to endanger it or any other building, the municipal officers, if satisfied that such complaint is well founded, shall give written notice to the owner or occupant of such building, and if he unnecessarily neglects for three days to remove or repair the same effectually, he forfeits not less than ten, nor more than one hundred dollars.

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refusing
office.
R.S., c. 26, § 6.

Duty of fire
wards, and
other officers
at fires.
R. S., c. 26, § 7.
40 Me., 391.

Powers of fire
wards at fires.
R. S., c. 26, § 8.
63 Me., 47.

—penalty for
refusing to
obey them.

Officers
appointed
under special
laws have the
same powers
as fire wards.
R.S., c. 26, § 9.
63 Me., 47.

Compensa-
tion for
building
demolished.
1871, c. 207, § 1.
63 Me., 47.

Plundering
at fires declar-
ed larceny.
R.S., c. 26, § 15.

Penalty for
keeping sail-
maker's or
rigger's loft,
or stable,
save as town
officers direct.
R.S., c. 26, § 16.

Municipal
officers to
direct defect-
ive chimneys
and other fire
apparatus to
be removed
or repaired,
under a
penalty.
R.S., c. 26, § 17.

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Penalty for lighting or smoking pipe or cigar in mills, ship-yards, &c., contrary to notice.
R.S., c. 26, § 18.

Penalty for kindling fire on land, without consent of owner.
R.S., c. 26, § 19.

Penalty for kindling fire with intent to injure another.
R.S., c. 26, § 20.

When lawful fires may be kindled.
R.S., c. 26, § 21.
54 Me., 258.
62 Me., 290.

Lumber-drivers may kindle necessary fires, with utmost caution.
R.S., c. 26, § 22.
—liability for neglect.
Common law remedy not taken away.
R.S., c. 26, § 23.

—exception.

Municipal officers to make regulations respecting gunpowder, explosive oils, and other dangerous substances.
R.S., c. 26, § 24.
See c. 17, § 8;
c. 39, § 28.

—penalty for violation.
—seizure.

Of whom sufferers by explosion may recover

SEC. 14. No person shall enter any mill, factory, machine shop, ship yard, covered bridge, stable or other building, with a lighted pipe or cigar, or shall light or smoke any pipe or cigar therein, under a penalty of five dollars, 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 ten dollars.

SEC. 15. Whoever kindles a fire, on land not his own, without consent of the owner, forfeits ten dollars; if such fire spreads and damages the property of others, he forfeits not less than ten, nor more than five hundred dollars; and, in either case, he shall stand committed until fine and costs are paid.

SEC. 16. Whoever with intent to injure another, causes a fire to be kindled on his own or another's land, whereby the property of any other person is injured or destroyed, shall be fined not less than twenty, nor more than one thousand dollars, or imprisoned not less than three months, nor more than three years.

SEC. 17. Whoever for a lawful purpose kindles a fire on his own land, shall do so at a suitable time and in a careful and prudent manner; and is liable, in an action on the case, to any person injured by his failure to comply with this provision.

SEC. 18. Persons engaged in driving lumber may kindle fires when necessary, but shall use the utmost caution to prevent them from spreading and doing damage, and if they fail so to do, they are subject to all the foregoing liabilities and penalties, as if said privilege had not been allowed.

SEC. 19. The common law right to an action for damages done by fires, is not taken away or diminished, and it may be pursued notwithstanding the penalties herein set forth, but any person availing himself of section seventeen is barred of his action at common law for the damage so sued for. And no action shall be brought at common law for kindling fires in the manner described in section eighteen; but if such fire spreads and does damage, the person who kindled it, and any persons present and concerned in driving the lumber, by whose act or neglect such fire is suffered to do damage, are liable, in an action on the case, for such damage.

SEC. 20. 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, petroleum, coal oils, burning fluids, naphtha, benzine and all other explosive and illuminating substances which such officers adjudge dangerous to the lives or safety of citizens; 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 nor more than one hundred dollars for each offence; all such articles may be seized by any of said officers as forfeited; and within twenty days after such seizure, may be libelled according to law.

SEC. 21. A person injured by the explosion of such articles in the possession of any person contrary to such regulations, has an action for

damages against such possessor, or against the owner if conusant of such neglect. CHAP. 26.

SEC. 22. Any municipal officer, with a lawful search warrant, may enter any building or other place in his town to search for such articles supposed to be unlawfully concealed there. damages.
R. S., c. 26, § 25.
Town officers
may search
for powder.
R. S., c. 26, § 26.

SEC. 23. Rules and regulations, established in any town according to section twenty, shall not be in force until they have been published for three weeks successively in a newspaper in the county, or by posting attested copies of them in three public places in such town. Regulations
not in force
until
published.
R. S., c. 26, § 27.

SEC. 24. Penalties provided in this chapter may be recovered by complaint, indictment, or action of debt, half to the town where the offence is committed, and half to the prosecutor. Penalties,
how recover-
ed and
appropriated.
R. S., c. 26, § 28.

PROTECTION OF LIFE IN BUILDINGS USED FOR PUBLIC PURPOSES.

SEC. 25. Every building intended temporarily or permanently for public use, and every school-house and school-room, shall have all inner doors, intended for egress, open outwards. The outer doors of all such buildings shall be kept open when the same are used by the public, unless they open outwards; but fly-doors opening both ways may be kept closed. Inner doors
of public
buildings
shall open
outwards.
1883, c. 121, § 1.
—when outer
doors are to
be kept open.
1883, c. 121, § 2.

SEC. 26. Every public house where guests are lodged, and every building in which any trade, manufacture, or business is carried on, requiring the presence of workmen or other persons above the first story, and all rooms used for public assembly or amusement, shall at all times be provided with suitable and sufficient fire-escapes, outside stairs, or ladders from each story or gallery above the level of the ground, easily accessible to all inmates in case of fire or of an alarm of fire; the sufficiency thereof to be determined as provided in the following section. Suitable fire-
escapes to be
provided for
hotels, fac-
tories, &c.
1883, c. 121, § 3.

SEC. 27. In towns or parts of towns having no organized fire department, the municipal officers shall annually make careful inspection of the precautions and safeguards provided in compliance with the foregoing requirements, and pass upon their sufficiency as to arrangement and number, and upon their state of repair; and direct such alterations, additions and repairs as they adjudge necessary. In towns, cities and villages having an organized fire department, the duties aforesaid shall be discharged by the board of fire engineers. Town officers
and fire en-
gineers shall
inspect safe-
guards and
order repairs.
1883, c. 121, § 4.

SEC. 28. Such municipal officers or fire engineers shall give written notice to the occupant of such building, also to the owner thereof, if known, of their determination as to the sufficiency of said precautions and safeguards, specifying in said notice any alteration, addition or repair which they require. Sixty days are allowed for compliance with such notice and order. Same officers
shall give
written
notice of
sufficiency of
safeguards.
1883, c. 121, § 5.

SEC. 29. Any owner or occupant who neglects to comply with such order, within the time so allowed, forfeits fifty dollars, besides five dollars for every day's continuance of such neglect; and the building or part of a building so occupied shall be deemed a common nuisance, without any other evidence than proof of its use; and the keeper shall be punished accordingly. Said officers may forbid the use of such building for any public purpose until their order has been complied with. Penalty, if
owner fails to
comply with
orders for
safeguards.
1883, c. 121, § 6.

—use of such
buildings,
may be
forbidden.

CHAP. 26. And if the owner or occupant of said building lets or uses the same in violation of such order, he forfeits not less than twenty nor more than fifty dollars for each offence.

—penalty.

Town officers and fire engineers shall give occupant certificate of sufficiency of safeguards. 1883, c.121, § 7. —shall return lists of same to town clerks for record.

Certificate posted in building, evidence. 1883, c. 121, § 8.

—penalty for neglect to procure and post. 1883, c.121, § 9.

Penalty for town officers' neglect. 1883, c.121, § 10.

Fines, how recovered. 1883, c.121, § 11.

Fires in cities and towns, when town officers are to inquire into. 1873, c. 142, § 1.

—sheriff's jury of three.

Jury, organization of. R.S., c.26, § 30. 1873, c.142, § 2.

—juror's oath.

Witnesses, summoned. R.S., c.26, § 31. 1873, c.142, § 2.

SEC. 30. Whenever the municipal officers or engineers, upon inspection, find that proper safeguards and precautions for escape in case of fire, or of alarm, have been provided, they shall give to the occupant of such building a certificate, under their hands, of such fact; which shall be valid for one year only from its date. Such officers shall return to the clerk's office of their town, monthly, a list of such certificates by them issued, which the clerk shall record in a suitable book.

SEC. 31. Every person receiving such certificate shall pay to such officers two dollars therefor, and shall keep such certificate posted in such building. Such annual certificate, so posted, is prima facie evidence of the inspection of such building, and of the presence of such suitable safeguards and precautions. Every occupant of such building who neglects or refuses to procure such certificate, or to post the same as aforesaid, forfeits ten dollars for every week that he so neglects and refuses.

SEC. 32. Every municipal officer or fire engineer who refuses or neglects to perform the duties imposed upon him by the seven preceding sections forfeits fifty dollars.

SEC. 33. All fines and forfeitures imposed by the four preceding sections may be recovered by the town where the building is located, by an action on the case, or by indictment.

INQUESTS IN CASES OF SUSPECTED INCENDIARISM.

SEC. 34. Whenever any building, or vessel in port, or their contents are wholly or partially destroyed by fire, originating on the premises, unless the cause thereof is clearly accidental, the mayor of the city or the municipal authorities of the town or plantation where the fire occurs shall give notice thereof at once to the sheriff or his deputy, and said officer shall thereupon immediately summon three good and lawful men to appear at the place of the fire at a time to be fixed as soon as possible, to inquire when, how and by what means the fire originated, and in case of the non-appearance of any person so summoned, said officer shall appoint some other person to complete said number, and all persons so summoned shall appear and act under such summons unless excused for reasonable cause.

SEC. 35. When the persons thus summoned, appear, or the number is made complete, said officer shall call their names, and then in view of the land on which such property was destroyed, shall administer the following oath: "You solemnly swear that you will diligently inquire and true presentment make, in behalf of the State, when, how, and by what means, the fire which has here occurred was caused; and that you will return a true inquest according to your best knowledge and such evidence as shall be laid before you."

SEC. 36. Said officer shall issue subpoenas for witnesses, returnable forthwith, at such time and place as he therein directs. Such witnesses

shall be allowed the same fees, and their attendance shall be enforced in the same manner as if they had been served with a subpoena in behalf of the State to attend a magistrate's court. They shall be sworn and their testimony shall be reduced to writing by the officer presiding, or by some person under his direction, and be by them subscribed.

SEC. 37. The jury after hearing the testimony and making all needful inquiries, shall draw up and deliver to such officer, their inquisition under their hands, in which they shall find and certify, when, how, and by what means, such fire was caused. Said inquisition and testimony, thus subscribed, shall be filed by said officer with the clerk of the courts for said county, within one week thereafter.

SEC. 38. The fees of the officer shall be the same as prescribed for the coroner in cases of inquest upon dead bodies, and the fees of the jurors shall be two dollars for each juror for every day necessarily employed in said inquest, with the same travelling fees as witnesses in court; and the amount thereof shall be added to the county tax of the town where the fire occurred, and be collected and paid as other county taxes.

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—fees.
—attendance,
how enforced.
—testimony
to be reduced
to writing.

Duty of jury
after hearing.
R.S., c. 26, § 32.
1873, c. 142, § 2.

—papers to
be filed with
clerk of
courts.

Fees of officer
and jurors
regulated.
1874, c. 183.
R.S., c. 26, § 33.
See c. 116,
§§ 7, 13.

CHAPTER 27.

INNOLDERS AND VICTUALERS. INTOXICATING LIQUORS.

INNOLDERS AND VICTUALERS.

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2. Persons licensed, to give \$300 bond; form thereof.
3. Licenses may be granted for a part of the year in certain cases.
4. Fee for license, and record of all licenses.
5. Duty of innholders to provide entertainment.
6. Innholders' liability to guests for losses by fire.
7. Innholders' liability for loss of certain articles, limited.
8. Of losses by negligence of guests.
9. Duties of victualers.
10. Innholders and victualers to keep up signs with names and employments.
11. Not to keep dice, cards, or other implements for gambling, or allow gambling on their premises. Penalty for gambling.
12. Revelling, disorderly conduct and drunkenness prohibited.
13. Penalty for being a common innholder or victualer without a license.
14. Duty of licensing board to prosecute for all violations hereof. Penalties, how recovered and appropriated.

STATE AGENCY FOR SALE OF INTOXICATING LIQUORS.

- SEC. 15. Commissioner for sale of pure liquors, how appointed, his term of office, commission, and bond. His liquors to be bought by his successor.
16. Notice of appointment of commissioner to be given to town officers. Town liquors to be bought of commissioner. Exception.
17. Penalty for buying liquors unlawfully or adulterating or diluting same.
18. Commissioner to keep a record of sales and to report to governor and council in December annually, and to towns quarterly.