

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)

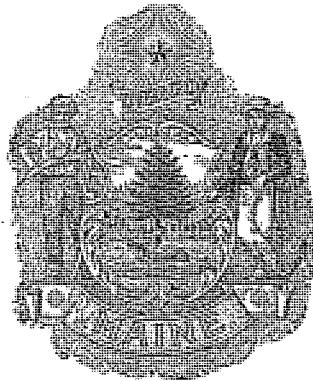
SIXTH REVISION

THE
REVISED STATUTES

OF THE

STATE OF MAINE

PASSED SEPTEMBER 29, 1916, AND TAKING
EFFECT JANUARY 1, 1917



By the Authority of the Legislature

AUGUSTA
KENNEBEC JOURNAL PRINT
1916

CHAPTER 30.

Enginemen, Fires and the Prevention of Fires.

- Sections 1-11 Election of Fire Engineers and Fire Wards; their Authority and Duty.
 Sections 12-24 Prevention of Fires.
 Sections 25-36 Inspection of Buildings.
 Sections 37-46 Protection of Life in Buildings used for Public Purposes.
 Sections 47-57 Investigation of Causes of Fires.

Fire Engineers and Fire Wards.

Sec. 1. Towns, by-laws for care and management of engines and apparatus; employment of men and appointment of officers. R. S. c. 28, § 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 enginemen 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.

78 Me. 119.

Sec. 2. Such officers have powers of fire wards; towns liable for acts of; powers, privileges and duties of men so employed. R. S. c. 28, § 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 enginemen, so employed, have all the powers and privileges, and are subject to all the duties and liabilities of enginemen, as prescribed in this chapter.

Sec. 3. Enginemen excused from serving as jurors. R. S. c. 28, § 3. Such enginemen 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 offense.

71 Me. 348.

Sec. 4. Duty of engine companies. R. S. c. 28, § 4. Companies of enginemen 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.

Sec. 5. Discharge of negligent enginemen, and selection of enginemen for other duties at fires. R. S. c. 28, § 5. On proof of negligence, the municipal officers may discharge any engineman or member of the company organized under special laws, and appoint some other person in his stead; and they may select from the enginemen 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.

Sec. 6. Election of fire wards. R. S. c. 28, § 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.

See §§ 47-49.

Sec. 7. Duty of fire wards, and other officers at fires. R. S. c. 28, § 7. When a fire breaks out in any town, the fire wards shall immediately attend at the place; 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.

40 Me. 391.

Sec. 8. Powers of fire wards at fires; penalty for refusing to obey them. R. S. c. 28, § 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.

63 Me. 47.

Sec. 9. Officers appointed under special laws have the same powers as fire wards. R. S. c. 28, § 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.

63 Me. 47.

Sec. 10. Compensation for building demolished. R. S. c. 28, § 10. If the pulling down or demolishing of any building, except that in which the

CHAP. 30

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. Plundering at fires declared larceny. R. S. c. 28, § 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.

See c. 122, § 3.

Note. Penalty for giving false alarms of fire, c. 129, § 27; by telephone, c. 120, § 21.

Prevention of Fires.

Sec. 12. Certain occupations in maritime towns regulated. R. S. c. 28, § 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. Municipal officers to direct defective chimneys and other dangerous conditions to be removed or repaired. R. S. c. 28, § 13. On complaint of any citizen that a chimney, stove, stovepipe, 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 of any town of not more than two thousand inhabitants, 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.

102 Me. 286.

Sec. 14. Penalty for lighting or smoking pipe or cigar in mills, shipyards, etc., contrary to notice. R. S. c. 28, § 14. No person shall enter any mill, millyard, factory, machine-shop, shipyard, 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. Penalty for kindling fire on land, without consent of owner. R. S. c. 28, § 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, or he shall be imprisoned not more than three years.

Sec. 16. Penalty for kindling fire with intent to injure another. R. S. c. 28, § 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. When lawful fires may be kindled. R. S. c. 28, § 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.

54 Me. 258; 62 Me. 290; 87 Me. 410.

Sec. 18. Lumber drivers may kindle necessary fires. R. S. c. 28, § 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. Common law remedy not taken away; exception. R. S. c. 28, § 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. Municipal officers to make regulations respecting gunpowder, explosive oils, and other dangerous substances. R. S. c. 28, § 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 offense; all such articles may be seized by any of said officers as forfeited; and within twenty days after such seizure, may be libeled according to law.

See c. 23, § 9; c. 44, § 27; 102 Me. 286.

Sec. 21. Recovery of damages by sufferers by explosion. R. S. c. 28, § 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.

Sec. 22. Town officers may search for powder. R. S. c. 28, § 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.

102 Me. 286.

Sec. 23. Regulations not in force until published. R. S. c. 28, § 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 until attested copies of them have been posted in three public places in said town for at least three weeks.

Sec. 24. Penalties, how recovered and appropriated. R. S. c. 28, § 24. Penalties provided in the preceding sections may be recovered by com-

CHAP. 30

plaint, indictment or action of debt, half to the town where the offense is committed, and half to the prosecutor.

Inspection of Buildings.

Sec. 25. Appointment of inspector of buildings; jurisdiction. R. S. c. 28, § 25. 1915, c. 40. In every town and city of more than two thousand inhabitants, and in every town of two thousand inhabitants or less if such town shall so vote at an annual town meeting, the municipal officers shall annually in the month of April appoint an inspector of buildings, who shall be a man skilled in the construction of buildings, and shall determine his compensation. The municipal officers shall define the limits within which the inspector of buildings shall have jurisdiction, which shall include the thickly settled portion of each such city, or of each village in each such city or town.

102 Me. 286.

Sec. 26. Duty to inspect new buildings, in process of construction. R. S. c. 28, § 26. Such inspector shall inspect each new building during the process of construction, so far as may be necessary to see that all proper safeguards against the catching or spreading of fire are used, that the chimneys and flues are made safe, and that proper cut-offs are placed between the timbers in the walls and floorings where fire would be likely to spread; and may give such directions in writing to the owner or contractor as he deems necessary, concerning the construction of such building so as to render the same safe from the catching and spreading of fire.

102 Me. 286.

Sec. 27. Inspection of buildings while being repaired. R. S. c. 28, § 27. He shall inspect all buildings while in process of being repaired, and see that all reasonable safeguards are used against the catching and spreading of fire, and that the chimneys and flues are made safe; and he may give such directions in writing to the owner as he deems necessary concerning such repairs, so as to render such building safe from the catching and spreading of fire.

Sec. 28. Inspection of chimneys, flues, funnels, etc., when required. R. S. c. 28, § 28. He shall at least once in three years, and oftener when required by the municipal officers, inspect chimneys, flues, funnels, stoves, furnaces, boilers and boiler connections, and heating apparatus in all the buildings within his jurisdiction, in which fire is kept or used, to ascertain if the same are safe against fire. He may give such directions in writing as he may deem necessary to the owner of said building to make changes in the construction or situation of such chimneys, flues, funnels, stoves, furnaces, boilers, boiler connections and heating apparatus, so as to make the same safe as aforesaid. And the municipal officers may require such inspection of any particular building at any time.

Sec. 29. Inspector may enter any building. R. S. c. 28, § 29. An inspector of buildings in the performance of his official duty may enter any building for the purpose of making the inspection required by this chapter.

Sec. 30. Appeal. R. S. c. 28, § 30. An appeal in writing may be taken from any order or direction of the inspector of buildings to the municipal officers, whose order thereon shall be final.

Sec. 31. New building shall not be occupied unless inspector certifies as to safety from fire; penalty; appeal. R. S. c. 28, § 31. No new building shall be occupied until the inspector of buildings has given a certificate that the same has been built in accordance with the provisions of section twenty-six, and so as to be safe from fire; if the owner permits it to be so occupied without such certificate, he shall be liable to a fine of ten dollars for each week he permits such building to be so occupied, to be recovered by complaint or indictment. In case the inspector of buildings for any cause declines to give his certificate and the builder has in his own judgment complied with the provisions of section twenty-six an appeal may be taken to the municipal officers and if on such appeal, it shall be decided by them that the provisions of said section have been complied with, the owner of said building shall not be liable to a fine for want of the certificate of the inspector.

Sec. 32. Penalty, if owner neglects or refuses to comply with orders of inspector. R. S. c. 28, § 32. If the owner of any building neglects or refuses for more than thirty days to comply with any direction of the inspector of buildings given as aforesaid, concerning the repairs on any building, as provided in section twenty-seven, or to make such changes in the construction or situation of chimneys, flues, funnels, stoves, furnaces, boilers and boiler connections, and heating apparatus, as may be required by such inspector of buildings, under the provisions of section twenty-eight, or as may be confirmed by the municipal officers on appeal, he shall be liable to a fine of ten dollars for each week he so neglects or refuses, to be recovered by complaint or indictment.

Sec. 33. Penalty, if owner refuses inspector admission to building. R. S. c. 28, § 33. Any owner or occupant of a building, who refuses to permit an inspector of buildings to enter his buildings, or wilfully obstructs him in the inspection of such building as required by this chapter, shall be liable to a fine of not less than one, nor more than twenty dollars, to be recovered by complaint or indictment.

Sec. 34. Inspector and municipal officers may enter building in their jurisdiction; authority and duty to remedy dangerous conditions; appeal. R. S. c. 28, § 34. The inspector of buildings and the municipal officers of any city or town may at all reasonable hours, for the purpose of examination, enter into and upon all buildings and premises within their jurisdiction. Whenever any of said officers shall find in any building or upon any premises combustible material or inflammable conditions dangerous to the safety of such buildings or premises they shall order the same to be removed or remedied, and such order shall be forthwith complied with by the owner or occupant of said buildings or premises; provided, however, that if the said owner or occupant shall deem himself aggrieved by such order when made by the inspector of buildings he may, within twenty-four hours, appeal to the municipal officers, and the cause of the complaint shall be at once investigated by the direction of the latter, and unless by their authority the order above named is revoked, such order shall remain in force and be forthwith complied with by said owner or occupant. The inspector of buildings or the municipal officers shall make, or cause to be made, an

CHAP. 30

immediate investigation as to the presence of combustible material or the existence of inflammable conditions in any building or upon any premises under their jurisdiction, upon complaint of any person having an interest in said buildings or premises or property adjacent thereto. Any owner or occupant of buildings or premises, failing to comply with the orders of the authorities above specified, shall be punished by a fine of not less than five dollars for each day's neglect.

See §§ 48, 49; see c, 23, §§ 33-37.

Sec. 35. Jurisdiction of offenses. R. S. c. 28, § 35. Municipal and police courts and trial justices shall have jurisdiction of the offenses named in the four preceding sections.

Sec. 36. Towns may make by-laws. R. S. c. 28, § 36. Towns and cities may make by-laws not inconsistent with this chapter, defining more particularly the duties of such inspector of buildings, and the rules and regulations by which he is to be governed.

Protection of Life in Buildings Used for Public Purposes.

Sec. 37. Doors of public buildings shall open outwards. R. S. c. 28, § 37. 1913, c. 178. Every building intended temporarily or permanently for public use, and every schoolhouse of more than one story in height, and every schoolroom therein, shall have all doors, intended for egress, open outwards.

See c. 16, § 15.

Sec. 38. Suitable fire escapes to be provided for hotels, factories, schoolhouses, etc. R. S. c. 28, § 38. 1909, c. 194. 1915, c. 252, § 1. 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 above the first story, and all rooms used for public assembly or amusement, and all tenement houses three stories in height where only one stairway or means of egress from the upper stories of the building is provided, and all tenement houses of four or more stories in height, intended to be occupied by families, boarders or lodgers, above the third story, and all buildings used for school purposes, including school dormitories, two stories or more in height, shall at all times be provided with proper egresses or other means of escape from fire sufficient for the use of all persons accommodated, assembled, employed, lodged or resident therein. These egresses and means of escape shall be kept unobstructed, in good repair and ready for use, and the sufficiency thereof shall be determined as provided in the following section.

See c. 49, § 12; 97 Me. 250; 99 Me. 436.

Sec. 39. Town officers and fire engineers shall inspect safeguards and order repairs. R. S. c. 28, § 39. 1915, c. 252, § 2. In towns or parts of towns having no organized fire department, the municipal officers shall annually make, or direct the fire inspector to 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 chief of the fire department.

97 Me. 250.

Sec. 40. Notice as to sufficiency of safeguards. R. S. c. 28, § 40. 1915, c. 252, § 3. Such municipal officers or chief of the fire department 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.

97 Me. 251.

Sec. 41. Penalty, if owner fails to comply with orders for safeguards; use of such buildings, may be forbidden. R. S. c. 28, § 41. 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. 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 offense.

97 Me. 251, 253.

Sec. 42. Officers shall give occupant certificate of sufficiency of safeguards; compensation; return to town clerks. R. S. c. 28, § 42. 1915, c. 252, § 4. Whenever the municipal officers or chief of the fire department, 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; and a reasonable compensation for such inspection shall be paid by the city or town in which any such building is located, by an order drawn upon its treasurer. 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. 43. Certificate posted in building, evidence. R. S. c. 28, § 43. Every person receiving such certificate shall keep the same 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 precaution. 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. 44. Penalty for town officers' neglect. R. S. c. 28, § 44. 1915, c. 252, § 5. Every municipal officer or fire inspector or chief of a fire department who refuses or neglects to perform the duties imposed upon him by the seven preceding sections forfeits fifty dollars.

Sec. 45. Fines, how recovered. R. S. c. 28, § 45. All fines and forfeitures imposed by the four preceding sections may be recovered by the

CHAP. 30

town where the building is located, by an action on the case, or by indictment.

102 Me. 286.

Sec. 46. Upon complaint, state factory inspector or deputy shall make investigation. 1911, c. 156. Whenever it comes to the knowledge of the state factory inspector or his deputy, or if complaint is made to such state factory inspector 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 thirty-seven to forty-four, both inclusive, the state factory inspector 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.

Investigation of Causes of Fires.

Sec. 47. Election of fire ward required who shall be a fire inspector; duties and compensation of fire inspectors. 1913, c. 108, § 1. Each town at its annual meeting shall elect at least one fire ward, who shall be a fire inspector and shall perform the several duties prescribed by this section and the two following sections; if more than one fire ward is elected by any town, one of said fire wards shall be designated as fire inspector of said town and the other fire wards shall, under the direction of the fire inspector, assist in performing the duties imposed upon said fire inspector by said sections. Fire inspectors shall receive reasonable compensation for their services to be determined by the town. In towns and cities having an organized fire department, the chief of such fire department shall perform the duties of fire inspector. The municipal officers may authorize such fire inspectors to perform the duties imposed upon them by sections fifty, fifty-one and fifty-three of this chapter, and, when so authorized, said fire inspectors shall have all the powers thereby conferred, and shall perform all the duties therein prescribed. Such fire inspectors shall furnish the insurance commissioner with such information as he may require and shall perform such inspections as the insurance commissioner may direct.

Sec. 48. Insurance commissioner upon complaint may inspect buildings; combustible or other dangerous matter may be removed. 1913, c. 108, § 2. 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, 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 twenty-four hours appeal to the insurance commissioner, who shall, within ten 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. 49. Officer may repair or demolish buildings; special tax may be assessed against land for expenses. 1913, c. 108, § 3. If any person fail to comply with the order of any officer under the preceding section or with the decision of the insurance commissioner on review, and within the time fixed, then such officer may cause such building or premises to be forthwith repaired, torn down or demolished and such materials removed and all dangerous conditions remedied, as the case may be, at the expense of the town in which such property is situated; and if the owner thereof, within thirty days after notice in writing of the amount of such expense, fails, neglects or refuses to repay said town the expense thereby incurred, a special tax may be assessed by the assessors of taxes against the land on which said building was located for the amount of such expenses and such amount shall be included in the next annual warrant to the collector of taxes of said town, for collection, and shall be collected in the same manner as state, county and municipal taxes are collected.

Sec. 50. Municipal officers shall investigate origin of fires; commissioner may direct investigation. R. S. c. 28, § 46. When property is destroyed or damaged by fire the municipal officers in cities and towns shall immediately notify the insurance commissioner of the same, and shall investigate the cause, circumstances and origin of the fire, and especially examine whether it was the result of carelessness or of design. The investigation shall be commenced within three days after the occurrence of the fire, not including the Lord's day, and the insurance commissioner may supervise and direct such investigation whenever he deems it expedient or necessary.

Sec. 51. Municipal officers shall file statement of facts relating to cause of fire; record, open to the public. R. S. c. 28, § 47. When the municipal officers have completed their investigation, which shall be within two weeks after the occurrence of the fire, they shall immediately file with the insurance commissioner a written statement of all the facts relating to the cause, circumstances and origin of the fire; the kind, value and ownership of the property destroyed or damaged, and such other information as may be required by said commissioner. The insurance commissioner shall make a record of all fires investigated under sections fifty to fifty-seven inclusive, together with all facts, statistics and circumstances connected therewith. Such record shall at all times be open to public inspection, and such portions of it as the commissioner deems expedient shall be published in his annual report to the governor and council.

Sec. 52. Commissioner may examine into cause and origin of all fires; shall take testimony on oath; if evidence is sufficient, he shall cause arrest of person accused. R. S. c. 28, § 48. The insurance commissioner may, whenever he deems it expedient or advisable, examine or cause to be examined the cause, circumstances and origin of all fires occurring in the cities and towns within the state, of which he has knowledge, by which property is damaged or destroyed, and may specially examine and decide whether the same was the result of carelessness or design. The insurance commis-

CHAP. 30

sioner shall, when in his opinion said proceedings are necessary, take or cause to be taken the testimony on oath of all persons supposed to be cognizant of any facts or to have means of knowledge in relation to the matters as to which such examination is made, and may cause the same to be reduced to writing. If he shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson or incendiarism, he shall cause such person to be arrested and charged with such offense, and shall furnish to the proper county attorney all such evidence, together with the names of witnesses and all information obtained by him, including a copy of all pertinent and material testimony in the case.

Sec. 53. Witnesses may be compelled to attend hearing, and give testimony under oath; commissioner may enter any building when fire is in progress; investigations may be private. R. S. c. 28, § 49. 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 three preceding sections a 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.

See c. 124, § 1.

Sec. 54. Insurance companies shall report to commissioner adjustment of all losses. R. S. c. 28, § 50. Every fire insurance company or association transacting business in the state shall report to the insurance commissioner, within ten days after the adjustment of every loss, the amount of all policies issued by said company on the property destroyed or damaged, the amount paid or payable on account of such loss, and such other information relating to the matter as the commissioner may require.

Sec. 55. Insurance commissioner may employ assistants in investigating fires. R. S. c. 28, § 51. 1913, c. 142. The insurance commissioner may employ such clerks and assistants, provide such blanks and incur such expense as may be necessary to carry out his duties in investigating or causing to be investigated the origin of fires and the inspection of buildings and property, not to exceed an amount equal to twenty-five per cent of the fees received from fire insurance companies, with twenty-five per cent of the amount received by the treasurer of state for the tax on special insur-

ance brokers and twenty-five per cent of the tax on unauthorized insurance in any year, and all bills and expenses incurred shall be audited by the state auditor.

Sec. 56. Municipal officers shall keep record of returns. R. S. c. 28, § 52. 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 six preceding sections.

Sec. 57. Penalty for neglect. R. S. c. 28, § 53. Any city or town officer, or any insurance company neglecting or refusing to perform any duty required by the provisions of the seven preceding sections shall be punished by a fine of not less than ten, nor more than one hundred dollars for each offense.

CHAPTER 31.

Innkeepers and Victualers. Lunch Wagons.

Sec. 1. Licenses to innkeepers and victualers; may be revoked. R. S. c. 29, § 1. The municipal officers, treasurer and clerk of every town shall meet annually on the first Monday of May, or on the day succeeding, or both, and at such time and place in said town as they appoint, by posting notices in two or more public places therein, at least seven days previously, stating the purpose of the meeting; and at such meeting they may license under their hands as many persons of good moral character, and under such restrictions and regulations as they deem necessary, to be innkeepers and victualers in said town, until the day succeeding the first Monday in May of the next year, in such house or other building, as the license specifies. And at any meeting so notified and held, they may revoke licenses so granted, if in their opinion there is sufficient cause.

24 Me. 442; 93 Me. 485.

Sec. 2. Bond. R. S. c. 29, § 2. No person shall receive his license until he has given his bond to the treasurer, to the acceptance of the board granting it, with one or more sureties in the penal sum of three hundred dollars, in substance as follows, namely:

"Know all men that we — —, as principal, and — —, and — —, as sureties, are held and stand firmly bound to — —, treasurer of the town" (or city) "of — —, in the sum of three hundred dollars, to be paid to him, or his successor in said office; to the payment whereof we bind ourselves, our heirs, executors and administrators, jointly and severally by these presents. Sealed with our seals. Dated the — — day of — —, in the year nineteen hundred and — —.

"The condition of this obligation is such that, whereas the above bounden — — has been duly licensed as a — — within said town" (or city) "until the day succeeding the first Monday of May next; now if in all respects he shall conform to the provisions of law relating to the business for which he is licensed, and to the rules and regulations as provided by the licensing board in reference thereto, and shall not violate any law of