

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)

SEVENTH REVISION

THE
REVISED STATUTES

OF THE
STATE OF MAINE

PASSED AUGUST 5, 1930, AND TAKING
EFFECT NOVEMBER 10, 1930



By the Authority of the Legislature

AUGUSTA
KENNEBEC JOURNAL PRINT

shall be compelled so to testify or produce evidence, documentary or otherwise, except for perjury committed in so testifying.

Sec. 15. Penalty for violation of provisions of chapter. 1925, c. 167. 1929, c. 90. Any person who shall violate any provision of this chapter shall be punished by a fine of not less than ten dollars nor more than five hundred dollars or by imprisonment for not more than eleven months, or by both fine and imprisonment.

CHAPTER 67.

Corporations for Navigation by Steam. Unclaimed Baggage and Merchandise.

Sections 1-3	Corporations for Navigation by Steam.
Sections 4-18	Provisions for Safety on Inland Steamers.
Sections 19-23	Unclaimed Baggage and Merchandise.
Section 24	Transportation of Property in Dispute.

Corporations for Navigation by Steam.

Sec. 1. Treasurer's office. R. S. c. 59, § 1. Treasurers of corporations created for navigation by steam shall keep an office within the state.

Sec. 2. Liability for neglect and misconduct. R. S. c. 59, § 2. Such corporations are liable for breach of contracts, express or implied, made as common carriers; for their neglect and misconduct; and for that of their agents, to the same extent as owners of vessels are by the maritime law.

*57 Me. 211.

Sec. 3. Boats liable for loss or damage of property transported, and may be attached. R. S. c. 59, § 3. For loss or damage of property transported on a river, stream, or bay, by boat for hire, the boat is liable, whether owned or not by the person undertaking such transportation, and may be attached on a writ against him, sued out within sixty days after such loss or damage, and sold like other personal property on an execution issued on the judgment recovered in such suit, and any surplus shall be paid to the owner of the boat. Such attachment is effectual against any conveyance or lien after such loss or injury, and prior to the attachment.

Provisions for Safety on Inland Steamers.

Sec. 4. Inspection of vessels navigated on inland waters of state placed under jurisdiction of public utilities commission. 1923, c. 149, § 1. Every vessel subject to the provisions of this chapter 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 chapter. The commission shall employ such inspectors, engineers, or other assistants as may be required to carry out the provisions of this chapter.

Sec. 5. Definitions. 1923, c. 149, § 2. The term "commission" when used in this chapter means the public utilities commission.

The term "vessel" when used in this chapter means any boat or vessel operated by machinery propelled by steam or other motive power.

The term "steamboat" when used in this chapter means any vessel propelled by steam.

The term "motor-boat" when used in this chapter means any vessel propelled by motive power other than steam.

Sec. 6. Lights to be shown; how lights shall be fitted. R. S. c. 59, § 4. 1923, c. 149, § 3. 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 of 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.

Sec. 7. Steamboats and motor-boats shall be inspected; certificate of inspection; vessels kept for use in connection with camps and schools subject to provisions. R. S. c. 59, § 5. 1923, c. 149, § 4. 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 chapter.

Sec. 8. Woodwork about boilers, chimneys, etc., to be protected. R. S. c. 59, § 7. 1923, c. 149, § 5. 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. 9. Registration number to be displayed; certain vessels to have name painted on sides of bow. 1923, c. 149, § 6. 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. 10. Boats, properly equipped, to be carried by vessels over 30 feet in length; life preservers. R. S. c. 59, §§ 8, 9. 1923, c. 149, § 7. 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 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 chapter, as they may deem necessary.

Sec. 11. Stairways and gangways to be provided. R. S. c. 59, § 10. 1923, c. 149, § 8. 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. 12. Annual inspections provided for; commission to fix capacity; safety-valve not to be loaded or obstructed; certificate of inspection, how made up and posted; fees. R. S. c. 59, §§ 11, 16. 1923, c. 149, §§ 9, 10. The commission shall annually, or oftener, inspect every vessel of the description mentioned in section seven, 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 chapter, 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 this section 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.

The owners of each vessel registered shall pay to the commission the sum of one dollar for each registration. The owners of each vessel inspected and certified shall pay to the commission the sum of five dollars for each inspection, and each person licensed 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 so received, and pay the same into the state treasury.

Sec. 13. Masters, pilots, engineers, and operators, to be examined and licensed; license to be posted on vessel. R. S. c. 59, § 13. 1923, c. 149, § 11. Every person employed as master, pilot, engineer, or operator on any vessel subject to the provisions of this chapter, 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 posted in some conspicuous place on board such vessel. 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. 14. Vessels to comply with provisions of this chapter; penalty for navigating contrary to provisions; commission to investigate accidents. R. S. c. 59, § 14. 1923, c. 149, § 12. 1929, c. 32, § 1. Every vessel described in section seven shall comply with all the terms and provisions of this chapter, 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 forth-

with, and in other cases in its discretion the commission may, 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. 15. Penalty for failure to show lights. R. S. c. 59, § 4. 1923, c. 149, § 3. Whoever neglects or refuses to observe the provision of section six of this chapter shall be punished by a fine of ten dollars.

Sec. 16. Penalty for acting as master, pilot, engineer, or operator without license. R. S. c. 59, § 13. 1923, c. 149, § 11. Whoever acts as master, pilot, engineer, or operator on any vessel subject to the provisions of this chapter, without having in force the license required by section thirteen of this chapter shall be punished by a fine of fifty dollars for every day he acts without such license.

Sec. 17. General penalties; jurisdiction of courts. 1923, c. 149, § 13. 1929, c. 90. Any person who shall violate any of the provisions of this chapter for which a specific penalty is not otherwise prescribed shall be punished by a fine of not less than ten dollars not more than five hundred dollars or by imprisonment for not more than eleven months, or by both such fine and imprisonment. Municipal courts and trial justices shall have concurrent jurisdiction with the superior court of all complaints and prosecutions under the preceding sections.

Sec. 18. Commissioners may administer oaths, subpoena witnesses, etc. 1929, c. 32, § 2. Each of the commissioners, for the purposes mentioned in this chapter, may administer oaths, certify to official acts, issue subpoenas, compel the attendance of witnesses and the production of books, accounts, papers, documents and testimony; punish by fine and imprisonment for contempt, and issue all processes necessary to the performance of the duties imposed upon the commission by this chapter.

Unclaimed Baggage and Merchandise.

Sec. 19. Merchandise unclaimed for six months, may be sold to pay charges. R. S. c. 59, § 17. Whenever baggage, goods, merchandise, packages, or parcels, transported by any railroad, steamboat, express, or stage company, existing by virtue of the laws of this state, remain unclaimed for six months after its arrival at the point to which it shall have been directed, the same may be sold at auction in the city or town where said railroad, steamboat, express, or stage company has its general or principal office, or any freight house; and whenever baggage, goods, merchandise, packages, or parcels transported by any railroad, steamboat, express, or stage company, not existing by virtue of the laws of this state,

and having no office of president, treasurer, clerk, or general superintendent within this state, but doing business in this state, remain unclaimed for six months after its arrival at the point to which it shall have been directed, the same may be sold at auction, to pay the charges thereon and the expense of advertising and selling.

Sec. 20. Notice of sale; disposal of proceeds. R. S. c. 59, § 18. Any company existing by virtue of the laws of this state holding any such articles or merchandise, shall before selling the same, give thirty days' notice of the time and place of sale, in four public newspapers, one published at Portland, in the county of Cumberland; one published at Augusta, in the county of Kennebec; one published at Lewiston, in the county of Androscoggin; and one published at Bangor, in the county of Penobscot; said notices shall contain a brief description and list of all such property, and shall describe such marks thereon as may serve to identify them, together with the name of the consignee and the place to which said articles were billed. Any company not existing by virtue of the laws of this state, and having no office or president, treasurer, clerk, or general superintendent, within this state, but doing business within this state, before selling any such articles or merchandise, shall give thirty days' notice of the time and place of sale, by publishing notice in some public newspaper, printed in the county where such merchandise is so held, three weeks successively, the last publication to be at least seven days before the day appointed for the sale; if no newspaper is published in the county where such articles or merchandise are so held, such notice shall be published in some newspaper in an adjoining county. Such articles or merchandise shall be sold at the place where held. The proceeds of all goods so sold, after deducting the costs of transportation, storage, advertising, and sale, shall be placed to the credit of the owner, in the books of the company making the sale; and shall be paid to him on demand; and such company shall not be liable to said owner of such property for any greater sum than so received from said sale.

Sec. 21. Common carriers may sell perishable goods which owner neglects or refused to receive. R. S. c. 59, § 19. When a common carrier has transported property of a perishable nature, which cannot be kept without great deterioration or substantial destruction, to its place of destination, and has notified the owner or consignee of the arrival of the same, and the owner or consignee, after such notice, has refused or omitted to receive and take away the same and pay the freight and proper charges thereon, said carrier may, in the exercise of a reasonable discretion, sell the same at public or private sale without advertising, and the proceeds, after deducting the amount of said freight and charges and expenses of sale, shall be held for the persons entitled thereto; and if the owner or consignee cannot be found on reasonable inquiry, the sale may be made without such notice.

Sec. 22. May sell livestock after owner has been notified and refused to take away; proceedings, when owner or consignee cannot be found; notice of sale. R. S. c. 59, § 20. When a common carrier has transported livestock which can be kept only at continual expense, to its place of destination, and has notified the owner or consignee of the arrival of the same, and the owner or consignee after such notice has refused or omitted to receive and take away the same and pay the freight and proper charges thereon, said carrier may cause the same to be sold at auction to pay the freight and charges thereon, including the cost of keeping, and the expenses of advertising and selling; and if the owner or consignee cannot be found on reasonable inquiry, the carrier may cause the same

to be advertised and sold as aforesaid without such notice. Before selling any such livestock, the common carrier holding the same shall give two weeks' notice of the time and place of sale in a newspaper published in the place where said livestock is held, if any; otherwise in a newspaper published at a place nearest thereto. Said notice shall reasonably describe said livestock; and the proceeds of sale, after deducting the amount of freight and charges, including the cost of keeping, and the expenses of advertising and sale, shall be held for the persons entitled thereto.

Sec. 23. All sales shall be recorded. R. S. c. 59, § 21. All sales under the foregoing provisions, shall be recorded in a suitable book, open to the inspection of claimants, in which the articles sold shall be correctly described, and the charges and expenses thereon, and the price at which they were sold, shall be entered.

Transportation of Property in Dispute.

Sec. 24. Transportation of property, when the title is in dispute. R. S. c. 59, § 22. When property is delivered to a common carrier, for transportation, and any person other than the consignor or consignee shall claim the title to such property and shall forbid its transportation, he shall forthwith give written notice to the carrier forbidding its transportation, and thereupon the carrier shall be authorized to delay the transportation for the space of five days, and unless within such five days such claimant shall replevy such property, or if he shall fail to give such written notice, the carrier is authorized to proceed with the transportation of such property and shall not be liable for so transporting.

Supreme judicial court and superior court have concurrent jurisdiction in equity, of bill of interpleader where a common carrier is plaintiff, c. 91, § 36, ¶ viii.

CHAPTER 68.

Telegraph and Telephone Companies, Gas, and Electric Light and Power Companies.

- Sections 1-9 The Organization of Electric and Gas Companies; Their Powers and Restrictions Thereon.
Sections 10-19 Organization of Telephone and Telegraph Companies; Their Powers and Restrictions Thereon.
Sections 20-23 Inspection of Meters.
Sections 24-26 Duties of Telegraph Companies.
Sections 27-38 Regulation of Posts and Wires.

The Organization of Electric and Gas Companies; Their Powers and Restrictions Thereon.

Sec. 1. Transmission of electric power beyond limits of state, prohibited. R. S. c. 60, § 1. No corporation, unless expressly authorized so to do by special act of the legislature, shall transmit or convey beyond the confines of the state for the purpose of furnishing power, heat or light, any electric current generated directly or indirectly by any water power in this state; nor sell or furnish, directly or indirectly, to any person, firm or corporation, any electric cur-