

MAINE STATE LEGISLATURE

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N I N E T Y - S I X T H L E G I S L A T U R E

Legislative Document

No. 1457

H. P. 1249

House of Representatives, April 16, 1953.

Reported by Mr. Jacobs from Committee on Appropriations and Financial Affairs and printed under Joint Rules No. 10.

HARVEY R. PEASE, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-THREE

RESOLVE, to Loan Funds from the Unappropriated Surplus for the Construction of an International Ferry Terminal.

Construction of International Ferry Terminal at Bar Harbor. Resolved: That there shall be made available to the Maine Port Authority such sum as the legislature may appropriate not to exceed \$1,000,000 to be expended by said authority, for plans and for the construction of a terminal at Bar Harbor suitable to be the Maine terminal of an international ferry to run between Nova Scotia and Bar Harbor, and to pay other proper expenses incidental to said planning and construction, and be it further

Resolved: That such sum shall be available to the Maine Port Authority for said purposes after the directors of the Maine Port Authority shall have executed a lease with the Canadian government, or its designated agent, for the use of said terminal when constructed; and be it further

Resolved: That said lease shall contain provisions to the following effect, among others:

1. Upon completion of the said Authority of said terminal, the Canadian government, or its designated agent, shall enter upon the premises and assume all the rights and responsibilities of an owner, the exercise of said rights, however, to be conditioned upon the faithful and timely

performance by it of all the obligations required of it by said agreement. Risk of loss or destruction, insurable or uninsurable, whole or partial, and all expenses and responsibilities of maintenance, operation and repairs, shall be borne by the Canadian government or its nominee.

2. The Canadian government, or its designated agent, will during the term of said lease maintain and operate at its own expense a regular ferry service between Bar Harbor and a port of its selection in Nova Scotia, the same to be a public carrier available to tourists and the shipment of vehicles; provided, however, such service may be suspended temporarily for specified causes or lack of patronage.

3. The term of the lease shall not exceed 30 years.

4. The Canadian government, or its designated agent, shall pay to the Maine Port Authority for rental of said terminal such equal annual payments as will amortize over the term of the lease, the cost to the Authority of the said plans and construction and proper expenses incidental to said planning and construction, and the Authority shall transmit each payment promptly to the treasurer of state.

5. The intention hereof being to cooperate with the Canadian government to effect a ferry service of mutual benefit and profit to the people of Maine and the people of Nova Scotia, and not to make a profit for either government, the lease agreement need not require that the Canadian government, or its designated agent, pay interest; and be it further

Resolved: That the provisions of chapter 114 of the private and special laws of 1929, as amended, as they apply to the length of terms of leases authorized by the directors of the Maine Port Authority shall not apply to the length of terms of any lease authorized by the provisions of this resolve.

This resolve is passed with the understanding that the town of Bar Harbor shall transfer and convey for the consideration of \$1 to said Maine Port Authority by instrument satisfactory to said Maine Port Authority the land and site on which said pier is to be built and all riparian rights connected therewith, with the right in said Maine Port Authority to transfer said land and riparian rights to the Canadian National Railway Company at the termination of the lease herein referred to; and be it further

Resolved: That, anything herein to the contrary notwithstanding no part of the money hereby appropriated shall represent indebtedness of the Maine Port Authority to the state of Maine, and the Maine Port

Authority shall have no obligation, either express or implied, to repay any part of said money to the state of Maine, except to transmit to the state of Maine all rentals received by it pursuant to the provisions hereof; and be it further

Resolved: That after the money hereby expended has been repaid to the state of Maine, that the directors of the Maine Port Authority shall transfer to the Canadian government or its designated agent, its right and ownership in the Bar Harbor Terminal and shall deed the property to the Canadian government or its designated agent without further consideration; and be it further

Resolved: That the governor and council shall approve such lease and be satisfied as to all provisions thereof, whether herein required or not, and the lease shall be approved as to form by the attorney-general.