

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundredth Legislature

OF THE

STATE OF MAINE

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Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the One Hundredth Legislature

1961

Chapter 183

AN ACT Requiring Public Utilities Commission Approval of Rates for Ferry Service for North Haven, Vinalhaven, Islesboro, Swan's Island and Long Island Plantation.

Preamble. Whereas, the original enactment of P. & S. L., 1957, chapter 190, section 4 requires the Maine Port Authority to operate such ferry line or lines as a toll system to retire bonds issued as provided therein and to provide for all the expenses and maintenance incurred and that said Port Authority shall charge and collect such tolls for the use of the ferry line or lines by vehicles, freight and passengers as may from time to time be determined and ordered by it, having due regard to the value of services rendered, the cost of upkeep, maintenance, repairs and operation and interest on the bonds issued; and

Whereas, because of such requirements, said Port Authority is faced with the impossible duty of both determining what said rates and tolls should be and also sitting in judgment upon their reasonableness, leaving the only appeal therefrom by the patrons of the service to the said Port Authority or a court of law; and

Whereas, the services to be operated under said act, such as the scheduling of operations, including the arrival and departure times of vessels and number of trips operated, are wholly within the jurisdiction of said Port Authority with no other provision for review by any other competent authority, except a court of law; and

Whereas, it appearing desirable and in the public interest that provision be made for the review of the justness and reasonableness and otherwise lawfulness of rates and tolls assessed for service conducted under this act, and it further appearing to be in the public interest that the service operated thereunder, including operating schedules, should be subject to review, such review to be placed within the authority of a state agency possessing expert knowledge of such matters, namely, the Public Utilities Commission; now, therefore,

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

P. & S. L., 1957, c. 190, § 4, repealed and replaced. Section 4 of chapter 190 of the private and special laws of 1957, as amended by section 2 of chapter 210 of the private and special laws of 1957, is repealed and the following enacted in place thereof:

Sec. 4. Tolls. The Maine Port Authority shall charge and collect such tolls for the use of such ferry line or lines by vehicles, freight and passengers as may from time to time be determined by it, subject to the approval of the Public Utilities Commission under the applicable provisions of the Revised Statutes of 1954, chapter 44. The rate and toll making function provided for herein shall, in addition to the general provisions of said chapter 44, have due regard for the value of services rendered, cost of upkeep, maintenance, repairs and operation and interest on the bonds issued. In addition, the operating schedules, which are from time to time issued by said Maine Port Authority, shall also be subject to the approval of the Public Utilities Commission within the general provisions of said chapter 44, having due regard to the need for the services rendered or to be rendered thereby.

All money collected as tolls shall be regularly deposited by the authority in some bank or trust company designated by the Treasurer of State, in accordance with the Revised Statutes of 1954, chapter 18, section 11.'

Effective September 16, 1961

Chapter 184

AN ACT Increasing the Authorized Indebtedness of the Lincoln Water District and Clarifying its Power to Borrow.

Emergency preamble. Whereas, an adequate water system is essential to the health and well-being of the residents of the Lincoln Water District; and

Whereas, the capacity of the existing water supply has been reached and the existing water system is inadequate to serve all such residents; and

Whereas, in order to remedy these conditions it is necessary to construct as soon as possible a new gravel-packed well and extensions of the district water system; and

Whereas, it is impossible for said district to construct such well and extensions within the limitation of indebtedness set forth in the charter of the district (chapter 116 of the private and special laws of 1949) and the meaning of the existing borrowing provisions is not clear; and

Whereas, acts and resolves do not become effective until 90 days after the Legislature adjourns unless passed as emergency measures; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

P. & S. L., 1949, c. 116, § 13, amended. Section 13 of chapter 116 of the private and special laws of 1949 is amended to read as follows:

'Sec. 13. Authorized to negotiate temporary loans; and to issue notes and bonds; declared a quasi-municipal corporation; notes and bonds legal investment for savings banks. For accomplishing the purposes of this act, said district, through its trustees, without the necessity of a vote of the inhabitants of said district, is authorized to borrow money temporarily from time to time, ~~not exceeding \$375,000~~ and to issue therefor the interest-bearing negotiable notes of the district, maturing ~~not later than one year from their dates serially or otherwise~~, and to make subsequent renewals of the same in whole or in part ~~and for said purposes and for the purpose of refunding any notes, bonds or other lawful indebtedness to establish a fund therefor.~~ For the purpose of refunding the indebtedness so created and for the purpose of obtaining or providing money to pay or to meet any necessary expenses and liabilities under the provisions of this act, including expenses in the creation of this district, in securing sources of supply, taking water and land, paying damages, laying pipes,