

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and First Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with the Revised Statutes of 1954, Chapter 10, Section 27, Subsection VI.

The Knowlton and McLeary Company
Farmington, Maine
1963

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

As Passed by the One Hundred and First Legislature

1963

Chapter 173

AN ACT to Correct the Name of Heron Lake Dam Company and Relating to Its Powers.

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

P. & S. L., 1846, c. 389, § 1, amended. Section 1 of chapter 389 of the private and special laws of 1846 is amended to read as follows:

'Sec. 1. Shepard Boody, William H. Smith, Ebenezer S. Coe, Walter Brown, and their associates and assigns are hereby created a body politic, by the name of the ~~Lake~~ Heron Lake Dam Company with all the powers and privileges of similar corporations, and is hereby further authorized and empowered in addition to the rights that it now possesses, to hold and store water for flood control, manufacturing and power purposes upon any or all of its dams and works, without prejudice however to log driving purposes.'

Effective September 21, 1963

Chapter 174

AN ACT Relating to Transportation to Islands in Casco Bay.

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

Sec. 1. P. & S. L., 1885, c. 495, § 10, repealed and replaced. Section 10 of chapter 495 of the private and special laws of 1885, as enacted by chapter 94 of the private and special laws of 1919 and as repealed and replaced by chapter 116 of the private and special laws of 1953, is repealed and the following enacted in place thereof:

'Sec. 10. Transportation by other companies. No person, firm, corporation or other transportation company shall undertake, whether directly, by lease or any other arrangement, to transport passengers or property by vessel, whether by steam or power or otherwise propelled, for compensation, between the mainland of Cumberland County and Peak's Island, Great Diamond Island, Little Diamond Island, Long Island, Chebeague Island, Bailey Island and Cliff Island, or between said islands, without obtaining a permit of public convenience and necessity from the Public Utilities Commission authorizing such transportation. The commission shall specify in the permit the business and operation of the carrier covered thereby, and the scope thereof, and shall attach to it, at the time of issuance and from time to time thereafter, such reasonable terms, conditions and limitations as it may deem necessary to maintain adequate transportation to said islands. Any person, firm or corporation once obtaining a permit under this section shall be subject to all the provisions of the Revised Statutes, chapter 44, as amended, so far as applicable, and to such orders, rules and regulations as shall be adopted and promulgated by the commission under the authority of said chapter. All authorized carriers shall maintain safe and adequate service to the islands of Casco Bay under rules and regulations promulgated by the

Public Utilities Commission as to rates, schedules and safety. The power and authority conferred upon the Public Utilities Commission in the Revised Statutes, chapter 44, section 8 is made applicable to this section.

Nothing in this section shall apply to the transportation of a water carrier of commodities in bulk. This exception shall apply only in case of commodities in bulk which are loaded and carried without wrappers or containers and received and delivered by the carrier without transportation mark or count, except that carriers of petroleum fuels in bulk may also transport other products and accessories integral to the operation of motor vehicles and boats when the same are included as part of the bulk shipment. The transporting of any commodity in motor vehicles, whether commercial or privately owned, upon any vessel shall not be construed as a bulk movement of such commodities.

Such rules and regulations as to schedules shall take into consideration the daily service needs of the inhabitants of the islands of Casco Bay.

The rates of transportation of property established by such rules and regulations shall be comparable to rates established for the comparable services of other authorized water carriers in the State.

In the case of any medical emergency, transportation may be obtained from a person, firm, corporation or transportation company other than one which has been issued a permit under this section.

Subject to the provisions of this section, a temporary permit may be issued by the Public Utilities Commission to other persons, firms, corporations or transportation companies to better serve the needs of the residents of the islands of Casco Bay.

Any vessel authorized to be used under this section shall be examined at least once each year by the Public Utilities Commission or its authorized agent.

Upon the effective date of this act, a certificate of public convenience and necessity shall issue to any duly authorized carrier for rights covering any and all services which said carrier was presently required to perform on the day preceding the effective date of this act.

Whoever violates this section shall be punished for each offense by a fine of not less than \$50 nor more than \$500, or by imprisonment for not more than 11 months, or by both.'

Sec. 2. P. & S. L., 1885, c. 495, § 12, additional. Chapter 495 of the private and special laws of 1885, as amended, is further amended by adding a new section 12, to read as follows:

'Sec. 12. Injunction. In addition to any other remedy set forth in this chapter for the enforcement of this chapter or any rule, regulation, order or decision of the Public Utilities Commission issued with relation to the operations of any transportation company within Casco Bay covered by this chapter, the Superior Court shall have jurisdiction upon complaint filed by the Public Utilities Com-

mission to restrain or enjoin any person, firm, corporation or other transportation company from committing any act prohibited by this chapter or prohibited by any rule, regulation, order or decision of the Public Utilities Commission with relation to the operation of transportation facilities in Casco Bay. It is the intention of the Legislature that the Public Utilities Commission may seek the injunction set forth in this section without first resorting to any other form of administrative proceedings or procedure as a condition precedent to the granting of said injunction.'

Effective September 21, 1963

Chapter 175

AN ACT to Provide for the Reorganization of School Administrative District No. 3.

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

Sec. 1. School Administrative District No. 3 reorganized; towns removed. School Administrative District No. 3, situated in the County of Waldo, is hereby reorganized to comprise the Towns of Unity, Troy, Knox, Waldo, Thorndike, Montville, Freedom and Jackson. The Towns of Liberty, Brooks and Monroe are removed and withdrawn from said School Administrative District No. 3 as previously constituted and from the effective date of this act shall revert to their prior status as independent municipalities for all school and educational purposes, with all rights and powers and subject to all the duties and liabilities of municipalities pertaining to education.

Sec. 2. School Administrative District No. 3 constituted and established; validation of proceedings in member towns. The towns comprising School Administrative District No. 3, as reorganized by section 1 of this act, are hereby constituted to be a School Administrative District, known as School Administrative District No. 3, with all of the powers, privileges and franchises granted to School Administrative Districts according to the Revised Statutes of 1954, chapter 41, sections 111-A to 111-U, as amended, the provisions of which, except sections 111-F and 111-G are hereby incorporated in, made a part of this act and hereby reenacted with the same effect as if set forth verbatim herein. The proceedings taken in town meetings of the towns comprising said district as reorganized, including the election of the present directors of said towns, are hereby validated, confirmed and made effective as if said proceedings had been taken in connection with said district as herein reorganized, any provisions of the Revised Statutes of 1954, or amendments thereof, to the contrary notwithstanding.

Sec. 3. Amendments. Any amendments or additions to, or changes in said sections 111-A to 111-U which may hereafter be enacted shall, unless otherwise specifically provided therein, be deemed to apply to and to govern said School Administrative District No. 3.

Sec. 4. Termination of responsibility for education of pupils in towns removed; superintending school committee. Effective October 1, 1963 the respon-