

MAINE STATE LEGISLATURE

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January 15, 1941

Mr. Max L. Wilder
Bridge Engineer
State Highway Department
Augusta, Maine

Dear Mr. Wilder:

In re Islesboro Transportation Company

On December 10, 1936 I gave you an opinion with reference to the maintenance of the ferry terminals in Islesboro at "Grindell's Point Light and at Lincolnville Beach" in which my final conclusion was that the Transportation Company was liable for maintenance.

You will remember that in the first paragraph of my letter I stated that I was "somewhat in doubt as to liability on the part of the State".

It has now been brought to my attention that on the Lincolnville end, the State constructed a State highway to the Bay of which the terminal seems to be a part, and from the highway fund constructed a highway from the West shore road in Islesboro to the Bay, of which the terminal is a part.

It now appears that the town of Islesboro has assumed all the rights and liabilities of the Transportation Company which seems to have been necessary in order to raise sufficient funds to meet ferry construction requirements.

In consideration of the fact that at least one of the terminals is a part of a State highway and the other possibly somewhat doubtful, and taking into consideration the equities of the matter as they now appear between the State and the town, I am of the opinion that the State should assume the normal maintenance of the structure, but not any liability connected with the operation of the same.

Very truly yours,

Sanford L. Fogg
Deputy Attorney General

SLF:H