

# 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)

**STATE OF MAINE**

**REPORT**

**OF THE**

**ATTORNEY GENERAL**

**for the calendar years**

**1959 - 1960**

MAINE STATE  
LIBRARY

properly belonging to such state official or relating to the office or official business of said official, or in any way knowingly and willfully obstructs or delays such official in the discharge of any of his official duties, shall be punished by a fine of not more than \$5,000, and by imprisonment for not less than 1 year nor more than 5 years."

JAMES GLYNN FROST  
Deputy Attorney General

October 9, 1959

To: Edward Langlois, General Manager  
Maine Port Authority  
Maine State Pier  
Portland, Maine

Dear Mr. Langlois:

This letter is in response to your request for this office to outline your responsibility regarding Chapter 125, Private and Special Laws of 1959, which chapter amends Private and Special Laws of 1929, Chapter 114, section 1, subsection (e), and Private and Special Laws of 1957, Chapter 190, section 1, in the following manner:

"Ferry service for North Haven, Vinalhaven, Islesboro, Swan's Island and Long Island Plantation. It shall be the duty of the Maine Port Authority to operate a ferry line or lines between the mainland and the Towns of North Haven, Vinalhaven, Islesboro and Swan's Island for the purpose of transporting vehicles, freight and passengers to and from said towns, *and the Maine Port Authority may operate such ferry line or lines to and from Long Island Plantation.*" (Emphasis ours to indicate the effect of the 1959 amendment.)

Initially we note that the quoted provision can be divided into two parts — one portion of the law being mandatory in nature; the second being permissive. The Authority "shall" operate a ferry line or lines between the mainland and the Towns of North Haven, Vinalhaven, Islesboro, and Long Island Plantation, but the last clause indicates the Authority *may* operate such line or lines to and from Long Island Plantation.

There clearly appears to be a deliberate legislative intent to use compelling language with respect to the first class of service, and to use permissive language in the new amendment.

We are of the opinion that with respect to service to Long Island Plantation, the Maine Port Authority is to exercise its administrative discretion in determining whether such service shall be operated, giving due regard to all conditions which might affect that service, including the cost of the service in relation to the retirement of bonds, maintenance, repair, and other such factors.

Very truly yours,

JAMES GLYNN FROST  
Deputy Attorney General