

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION
(EMERGENCY)

ONE-HUNDRETH LEGISLATURE

Legislative Document

No. 1700

S. P. 619

In Senate, November 27, 1961

The Committee on Public Utilities suggested.

CHESTER T. WINSLOW, Secretary

Presented by Senator Edmunds of Aroostook.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-ONE

AN ACT Relating to Transportation to Islands in Casco Bay.

Emergency preamble. Whereas, acts of the Legislature do not become effective until 90 days after adjournment unless passed as emergencies; and

Whereas, the continued operation of transportation facilities of Casco Bay Lines serving Peak's Island, Great Diamond Island, Little Diamond Island, Long Island, Chebeague Island, Bailey Island and Cliff Island, is absolutely necessary for the transportation of persons to and from the mainland, and food and other related incidents of life; 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:

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 P. & S. L., 1885, c. 495, § 10, repealed and replaced.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495 of the private and special laws of 1885, as enacted by chapter 94 of the private and special laws of 1919 and as repealed and replaced by chapter 116 of the private and special laws of 1953, is repealed and the following enacted in place thereof: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

land 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. The People's Ferry and the Casco Bay Lines shall maintain safe daily service to the islands of Casco Bay under 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. 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.

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 the provisions 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 the provisions of this chapter, the Superior Court shall have jurisdiction upon complaint filed by the Public Utilities Commission or the People's Ferry or the Casco Bay Lines 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. If it be established upon hearing that any person, firm, corporation or transportation company charged with violation as aforesaid has been or is committing any act declared to be unlawful by this chapter or is in violation of any rule, regulation, order or decision of the Public Utilities Commission as aforesaid, the court shall by judgment perpetually enjoin such person, firm, corporation or other transportation company from further commission of such acts or actions. In case of violation of any injunction issued under this section the court shall

summarily try and punish the person, firm, corporation or transportation company for contempt of court. It is the intention of the Legislature that the Public Utilities Commission, the People's Ferry Company and Casco Bay Lines 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.'

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.