

MAINE STATE LEGISLATURE

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STATE OF MAINE

FIRST SPECIAL SESSION
NEW DRAFT: S. P. 619, L. D. 1700

ONE-HUNDRETH LEGISLATURE

Legislative Document

No. 1705

S. P. 630

In Senate, November 30, 1961

Reported by a Majority of the Committee on Public Utilities and printed under Joint Rules No. 10.

CHESTER T. WINSLOW, Secretary

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-ONE

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 P. & S. L., 1885, c. 495, § 10, repealed and replaced.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495 of the private and special laws of 1885, as enacted by chapter 94 of the private and special laws of 1919 and as repealed and replaced by chapter 116 of the private and special laws of 1953, is repealed and the following enacted in place thereof: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 other person, firm, corporation or transportation company shall undertake, whether directly or indirectly, by lease, contract, charter, joint venture or any other arrangement to transport passengers or property by vessel, however propelled, for compensation, between the mainland 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.

No permit shall be granted by the commission until after a hearing, nor shall any permit be granted if the commission shall be of the opinion that the proposed operation of any such carrier will impair the efficient public service of any authorized carrier or carriers then adequately serving the same territory over the same general water route or routes, nor shall such permit be granted unless the applicant shows by substantial evidence a public need for the service he proposes to render. 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, or any carrier obtaining a permit as set forth above, shall maintain safe daily service to the islands of Casco Bay designated in said permit 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 gasoline, fuel oil or other petroleum products in bulk, nor to lubricants or other petroleum products in cans or containers which are a 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.

Emergency materials immediately necessary for the preservation of the public peace, health and safety may be transported without obtaining said permit.

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 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 may seek the injunction set forth in this section without first resorting to any other form of adminis-

trative proceedings or procedure as a condition precedent to the granting of said injunction.'

Sec. 3. P. & S. L., 1929, c. 114, § 1, sub-§ (f), repealed. Subsection (f) of section 1 of chapter 114 of the private and special laws of 1929, as enacted by section 3 of chapter 79 of the private and special laws of 1959, is repealed as follows:

~~'(f) Ferry service between mainland and islands in Casco Bay. Whenever it is determined by the Public Utilities Commission that ferry transportation for persons and property between the mainland and the islands in Casco Bay located within the limits of the City of Portland and the Town of Cumberland can no longer feasibly be provided by private operators at rates established by said Public Utilities Commission, the Port Authority shall take such means as shall be necessary to provide such service, either through contract with private operators or by acquiring and operating the necessary facilities as provided herein.'~~