

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 2107

H. P. 2042

House of Representatives, January 25, 1978

EDWIN H. PERT, Clerk

Filed by the Joint Standing Committee on Transportation under Joint Rule 17.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-EIGHT

**AN ACT to Provide Residents of the Islands in Casco Bay with Additional
Transportation Service.**

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

Sec. 1. 1 MRSA c. 33 is enacted to read:

CHAPTER 33

TERMINATION OF PROVISIONS OF

PRIVATE AND SPECIAL LAWS

SUBCHAPTER I

DATES OF REPEAL

§ 2701. Repeal in 1980

The following provisions of private and special laws are repealed on June 30, 1980:

1. Private and special laws. Private and special law 1885, chapter 495, section 10.

SUBCHAPTER II

COMMITTEE REPORTS

§ 2751. Committee reports

Any legislative committee having jurisdiction over a provision of private and special laws listed in subchapter I shall prepare and submit to the Legislature, within 30 legislative days after the convening of the last regular session prior to the date set out in subchapter I for repeal of that provision, a report evaluating the advisability of retaining the statutory provision.

§ 2752. Contents of report

A report prepared pursuant to section 2751 shall include:

1. **Past effectiveness.** An evaluation of the past effectiveness of the statutory provision;
2. **Future need.** An evaluation of the future need for the statutory provision;
3. **Alternative methods.** An examination of alternative methods of attaining the purpose of the provision;
4. **Cost of retention.** An estimate of the cost of retaining the provision; and
5. **Recommendation.** A recommendation of the committee as to the amendment, repeal, replacement or retention of the provision.

Sec. 2. P&SL 1885, c. 495, § 10, 1st ¶, as repealed and replaced by P&SL 1963, c. 174, § 1, is repealed and the following enacted in its place:

No person, firm, corporation or other transportation company shall undertake, whether directly, by lease or by any other arrangement, to transport 7 or more 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 the islands, without obtaining a permit of public convenience and necessity from the Public Utilities Commission authorizing this transportation.

Any vessel carrying 6 or less passengers for compensation may transport passengers between the islands or between the mainland and these islands designated in this section at any time, except that these vessels shall not transport passengers or their personal baggage between the mainland and these islands at times when an authorized vessel carrying 7 or more passengers for compensation from the mainland to these islands and from these islands to the mainland is scheduled to depart to the same destination within 2 hours.

The commission shall specify in the permit granted to vessels carrying 7 or more passengers for compensation 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 these islands. Any person, firm or corporation once obtaining a permit under this section shall be subject to all the provisions of the Revised Statutes, Title 35, 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 that 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, Title 35, is made applicable to this section, but shall not apply to vessels transporting 6 or less passengers as provided in this section.

This section is subject to repeal under Title 1, chapter 33. The legislative committee having jurisdiction over the review provided for in Title 1, section 2751, shall be the Joint Standing Committee on Public Utilities.

STATEMENT OF FACT

This bill will allow individual residents of Casco Bay Islands additional transportation while insuring that the economic viability of the existing ferry service is not jeopardized. This additional service would be allowed only during periods during which it is clearly not economically feasible for the regular ferry to operate. In addition, this limited service would be limited to a maximum of 6 passengers.

This bill also provides a 2-year limitation on the operation of small private vessels for hire in Casco Bay. During this 2-year period, the effects of the additional carriers on the operation of Casco Bay Lines will be calculated and the appropriate measures can be adopted at the end of this period.