

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-THIRD LEGISLATURE

SENATE.

No. 222

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND SEVEN.

AN ACT to confer additional powers and privileges upon the
People's Ferry Company.

*Be it enacted by the Senate and House of Representatives in
Legislature assembled, as follows:*

Section 1. The People's Ferry Company, a corporation
2 created under chapter 495 of the Private and Special Laws
3 of the year 1885, in addition to the rights, powers and privi-
4 leges conferred upon said company by said chapter 495 and
5 acts additional thereto and amendatory thereof, shall here-
6 after have, exercise and enjoy the following additional
7 rights, powers and privileges, to wit:

The right to establish, set up, maintain and operate a ferry
8 between Portland Pier, so called, and other points in the city
9 of Portland and the following islands in Casco Bay:—Great
10 Diamond Island, Little Diamond Island, Long Island, Peak's
11 Island and Cushing's Island, and one or more points on the
12 shore of the town of Cape Elizabeth and the city of South
13 Portland, and between any one or more of said islands and
14 the shore of said Cape Elizabeth and said city of South
15 Portland, and may, at its option, receive freight for trans-
16 portation between any of said points, and shall, as herein-
17 after provided, use for such purposes a double end steam
18 ferry boat or boats or such other boats propelled by steam or
19 other motor power as may be suitable;

Also the right to erect, construct, build and maintain piers,
21 wharves and ferry slips into the tide waters of Casco Bay at
22 such points on either of said islands, or on the shore of Cape
23 Elizabeth or the city of South Portland as it may acquire by
24 lease, purchase or otherwise, the right to land its freight and
25 passengers, and may erect, construct and build wharves,
26 piers and ferry slips into said tide waters, and connect the
27 same in such a manner as to accommodate public travel with
28 any public street or way on said islands or in said town of
29 Cape Elizabeth or city of South Portland, extending to low
30 water mark, the consent of the municipal officers of the city
31 or town in which the way is located being first obtained.

Also the right to acquire by lease, purchase or otherwise,
33 lands and flats as far as low water mark and erect or con-

34 struct thereon necessary wharves, piers and buildings for
35 the accommodation of its patrons and the conduct of its
36 business, and may also lease, purchase or otherwise acquire
37 in any lands and flats on either of said islands, or on said
38 shore of Cape Elizabeth or city of South Portland, wharf or
39 landing privileges or the right to use any wharves, piers
40 or ferry slips already or hereafter constructed on either of
41 said islands or on said Cape Elizabeth shore or in said city
42 of South Portland by any other person or corporation. Said
43 company shall not, however, without first obtaining authority
44 from the secretary of war, extend any of its wharves, piers
45 or ferry slips into the waters of Casco Bay or of Portland
46 Harbor as now or hereafter defined, nor erect any wharves,
47 piers or other structures between high water mark and any
48 of the boundaries of said Portland Harbor as now or hereaf-
49 ter defined by or under any act of Congress without first
50 obtaining the consent of a majority of the commissioners of
51 harbor and tidal waters of the city of Portland.

Sect. 2. Said People's Ferry Company shall have the
2 right to charge reasonable tolls and fare for passengers,
3 teams and freight between either of said points, but shall
4 not exact a greater toll than five cents for transporting a
5 passenger between said Portland to Peak's Island. Noth-
6 ing herein contained, however, shall effect the rates of toll
7 to be charged between the city of Portland and Ferry Vil-
8 lage, so called, now the city of South Portland, as estab-
9 lished by section 4 of said chapter 495 or the time of running

10 between said last named points as provided in section six of
11 said chapter 495 as amended by chapter 125 of the Private
12 and Special Laws of 1903, and as amended in this act.

Sect. 3. The city of Portland shall have the right to
2 authorize the said People's Ferry Company, upon the con-
3 dition that said company shall obtain the necessary authority
4 from the secretary of war, to construct, within the limits of
5 any street or way on either of said islands between high and
6 low water mark, a wharf, pier or other structure necessary
7 to provide a suitable landing place for passengers, teams and
8 freight in connection with any wharf or ferry slip said com-
9 pany may build into said waters of Casco Bay; and the
10 said company shall so construct said pier, wharf or other
11 structure within the limits of said street or way as to afford
12 the travelling public safe and convenient passage over the
13 same to and from its boats, ferry slips and wharves, and shall
14 keep said wharves and piers and other structures in repair
15 and safe for travellers using the same as a highway, and
16 the city of Portland may recover of said company the
17 amount of any judgment recovered against it by reason of
18 any defect in so much of any of said company's structures
19 as forms a part of said street or way. All rights and land-
20 ing privileges heretofore granted by the city of Portland to
21 this company at Portland Pier in said city, are hereby rati-
22 fied and confirmed, and the city of Portland is hereby given
23 the further right to grant to this company additional wharf
24 and landing privileges at said Portland Pier. The town of

25 Cape Elizabeth or city of South Portland may extend any
26 of its ways within said town or city to low water mark in
27 the same manner a new way is laid out by said town or city,
28 and its municipal officers may grant to said company the
29 same rights in said way between high and low water mark
30 as the city of Portland is herein authorized to grant.

In case said city of Portland shall grant to said company
32 the right to construct any such wharves or other structures
33 within the limits of any street or way for the purposes afore-
34 said, and such wharf or other structure shall have been
35 constructed by said company, or said company acquire by
36 lease or purchase such rights granted by said city to any
37 other company, person or corporation, said company shall,
38 upon an alarm of fire at either of said islands where it has
39 established its line or to which the boats shall be then run-
40 ning, transport, during the business hours of said company,
41 free of charge, to said islands with all reasonable dispatch
42 upon the request of the chief of the fire department or the
43 mayor of the city of Portland, such pieces of apparatus for
44 fighting fire as may be conveniently carried on its boats then
45 in use and as may be directed by said chief of said fire
46 department or the officer then in charge of the department,
47 and as many members of the fire department as may be
48 directed by the chief of the fire department or the officer
49 then in charge, and transport the same back to said city of
50 Portland, during the business hours of said company, free

51 of charge, whenever requested by the chief of the fire depart-
52 ment or the officer in charge.

Sect. 4. Except by consent of the city council of the city
2 of Portland said company shall make at least four trips each
3 day throughout the year, excepting Sundays, between Port-
4 land and Peak's Island after having once established its line
5 between said points unless prevented by accident, stress of
6 weather or unavoidable casualty, and for at least eight con-
7 secutive months of each year a double end steam ferry, suit-
8 able for both passengers and teams, shall be operated by the
9 company between Portland and Peak's Island, but during
10 the remainder of the year said company shall not be obliged
11 to provide transportation except for passengers.

Sect. 5. Said People's Ferry Company for the purpose of
2 establishing the lines above described and providing boats,
3 wharves and other necessary conveniences for carrying out
4 the provisions of this act and of said chapter 495, is hereby
5 authorized to raise funds by the sale of its bonds to an
6 amount not to exceed seventy-five per cent of its actually
7 paid up capital stock, and may execute a trust mortgage
8 upon its property and franchises to secure the payment of
9 such bonds and interest thereon.

Sect. 6. Section two of said chapter 495 is hereby
2 amended by striking out the word "sixty" in the second line
3 and inserting in place thereof the words 'one hundred,' so
4 that said section when amended shall read as follows:

‘Section 2. The capital stock of said company shall not
6 be less than ten thousand dollars, nor more than one hun-
7 dred thousand dollars, and shall be divided into shares of
8 fifty dollars each.’

Sect. 7. Section six of said chapter 495 is hereby amended
2 by striking out said section and substituting the following:

‘Sect. 6. The time for running said boat or boats, unless
4 prevented by accident or unavoidable casualty shall on week
5 days be not later than six o’clock in the forenoon and not
6 less than two round trips per hour shall be run up to and
7 until six and one half o’clock in the afternoon.

And the said People’s Ferry Company is hereby given the
9 further power and authority to run as many other trips
10 before, after and during the above mentioned hours and
11 on Sundays, as it may deem for its best interests in addition
12 to those required, using for these additional trip or trips
13 a boat or boats for teams, freight and passengers or a boat
14 or boats for passengers and freight only as the said com-
15 pany may deem expedient.’

Sect. 8. Unless said company shall establish its lines
2 between said Portland and at least one of said islands within
3 two years from the passage of this act, all rights and privi-
4 leges hereby granted shall cease.

Sect. 9. This act shall take effect when approved.

STATE OF MAINE.

IN SENATE, March 8, 1907.

Reported by Mr. MILLS from Committee on Legal Affairs, and
laid on table to be printed under joint rules.

F. G. FARRINGTON, *Secretary.*