

MAINE STATE LEGISLATURE

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NEW DRAFT

SEVENTY-NINTH LEGISLATURE

HOUSE

NO. 480

House of Representatives, March 22, 1919.

Reported by Mr. Mason from Committee on Legal Affairs
and ordered printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND
NINE HUNDRED AND NINETEEN

AN ACT Granting Bradbury Smith the Right to Establish and
Maintain a Ferry Between the Towns of Sullivan and Han-
cock.

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

Section 1. Bradbury Smith of Sullivan and his assigns are
2 hereby authorized to establish and maintain a ferry for
3 the space of ten years from and after the date of February
4 15, A. D. 1921, between the towns of Sullivan and Han-
5 cock, in the county of Hancock, across Taunton bay, or
6 Sullivan river, so-called, from the terminus of the road
7 now existing on the Hancock shore; with the right to keep
8 and maintain suitable boats to be propelled by oars, sails,

9 cable, naphtha, gasolene, or similar motive power, for the
10 prompt and safe conveyance and transportation of passen-
11 gers, teams, carriages, and freight, and they are hereby
12 authorized for this purpose to lay and maintain a cable
13 across said Sullivan river, between the termini above men-
14 tioned, but in such a way as not to obstruct navigation.
15 Said Smith or his assigns are hereby authorized and em-
16 powered to erect and maintain at the terminal points of
17 said ferry such wharves, slips, landings, toll houses, wait-
18 ing rooms and other structures, including a proper and
19 suitable walk from the Waukeag Station of the Maine Cen-
20 tral Railroad Company to the Hancock terminus of said
21 ferry as may be necessary and proper for the convenient
22 operation and maintenance of said ferry; and for that
23 purpose to take and hold or purchase and lease real estate
24 at the terminal points of said ferry. If the parties cannot
25 agree as to the value of any land taken under this act,
26 the value shall be fixed and the damages assessed in the
27 manner provided by law in cases where real estate is taken
28 by railroads. It is provided that row boats shall be used
29 for the transportation of passengers only when unavoid-
30 able accident or casualty prevents the use and operation of
31 the power boats.

Sect. 2. The following rates of toll are hereby established:

2 For a single team and carriage not exceeding two persons,
3 thirty-five cents; for a double team and carriage not ex-
4 ceeding two persons, fifty cents; for each person exceeding

5 two, five cents; and for each additional horse, ten cents;
6 for a foot passenger, ten cents; for a yoke of cattle and
7 driver, thirty-five cents; for same with cart, fifty cents;
8 for an ox or horse not driven in harness, fifteen cents; and
9 for each additional, ten cents; the driver paying as a foot
10 passenger; and for sheep or swine, five cents per head; for
11 a bicycle and rider, fifteen cents; touring cars, one dollar;
12 run-about, fifty cents. Said Smith is hereby required to
13 transport freight and baggage to and from said Waukeag
14 station to the Sullivan terminus of said ferry for a proper
15 and reasonable compensation, it being understood and
16 agreed that the rate for the transportation of freight shall
17 not exceed that as expressed in the freight and express
18 bills for nineteen hundred seventeen and as tabulated on
19 the nineteen hundred seventeen freight and express books
20 of said Smith.

Sect. 3. Said ferry shall be operated, when the weather
2 permits, from half past five o'clock in the forenoon until
3 nine o'clock in the afternoon, between the dates of May
4 fifteen and September fifteen of each year, and from sun-
5 rise until half past seven o'clock in the afternoon between
6 the dates of September fifteen and May fifteen inclusive
7 of each year. But transportation shall be provided for foot
8 passengers to and from all trains stopping at said Wau-
9 keag station. For any unreasonable neglect or delay to
10 transport either passengers or freight during the hours thus
11 named, or when attending all passenger trains which stop

12 at said Waukeag station, the persons operating said ferry
13 shall be liable in an action on the case to the person injured
14 for his damages.

Sect. 4. Any person who keeps a ferry contrary to the
2 provisions of this act, or who transports passengers, teams,
3 carriages or freight between said towns of Sullivan and
4 Hancock, across said Taunton Bay or Sullivan river within
5 three-fourths of a statute mile above or below the ferry
6 established by this act for hire, or who furnishes for hire
7 a boat or other craft for such purpose, forfeits four dollars
8 for each day such ferry is kept or for each time of trans-
9 portation, the same to be recovered by said Smith or his
10 assigns, to their use, in an action on the case.

Sect. 5. Said Smith or his assigns, shall give a bond to
2 the treasurer of the county of Hancock in such sum as the
3 county commissioners of said county shall require, and with
4 two sureties approved by said commissioners, for the faith-
5 ful performance of the provisions of this act. Any one in-
6 jured in person or property by the negligence or fault of
7 the persons operating said ferry, or their employees, may
8 commence a suit on such bond in which the proceedings
9 shall be similar to those in actions on the bond of sheriffs,
10 or instead may sue the person operating said ferry in an
11 action on the case.

Sect. 6. The county commissioners of Hancock county
2 shall have supervision of all matters pertaining to all ap-
3 paratus used in operating said ferry and service at the

4 same, and upon petition and hearing may order the same
5 to be improved, and if said order shall not be complied
6 with to their satisfaction, and they shall so determine and
7 decree, then and in such cases all the powers, rights and
8 privileges hereby granted to said Smith shall cease and
9 terminate, and thereupon said commissioners shall appraise
10 the boats, apparatus and other property used in running
11 and operating said ferry at its fair value, and all the powers,
12 rights and privileges hereby granted and specified in this
13 act shall inure to and become vested in such person or per-
14 sons as said commissioners shall then appoint and their
15 assigns, provided said person or persons so appointed shall
16 within such time as shall be specified by said commissioners
17 pay to said Smith the value of said boats, apparatus and
18 other personal property as appraised by said commission-
19 ers. Said commissioners shall also have the power, at
20 any time, during the continuance of this charter, after pe-
21 tition and hearing when in their judgment the public in-
22 terest demands it, to revoke all the powers and privileges
23 granted by this act, and thereupon they shall appraise all
24 the boats, apparatus, and all other property that may have
25 been acquired under the provisions of section one of this
26 act, used in running and operating said ferry at its fair
27 value and any person who may be appointed to run said
28 ferry by said commissioners under the statutes of Maine
29 shall purchase said property as said appraisal; provided,
30 however, that if the said Smith or his assigns shall, within

31 a reasonable time, be able to dispose of said property at an
32 advance over the value as appraised by the county com-
33 missioners, he or his assigns shall have the authority and
34 right to do so.

When, at any hearing under the provisions of this sec-
2 tion, the said commissioners shall find any person operat-
3 ing said ferry to be at fault, the latter shall pay costs of
4 hearing, not including counsel fees; otherwise said costs
5 shall be paid by the petitioner.

Sect. 7. Said Smith or his assigns may transfer by assign-
2 ment in writing the privileges granted by this act, and the
3 person so transferring said rights shall be relieved from all
4 obligations imposed by this act. The person or persons
5 to whom said privileges are assigned shall be acceptable to
6 the said county commissioners.

Sect. 8. The rates established in section two of this act
2 shall be deemed to constitute the initial schedule of rates;
3 and the public utilities commission shall have the same jur-
4 isdiction over the rates to be charged and the service to be
5 rendered under this act that is now, or may be hereafter,
6 conferred upon it in respect of vessels operated between
7 points within the State of Maine.