

MAINE STATE LEGISLATURE

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E I G H T Y - E I G H T H L E G I S L A T U R E

Legislative Document

No. 299

H. P. 822

House of Representatives, February 4, 1937.

Referred to Committee on Claims. Sent up for concurrence and 500 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Emery of Bucksport.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-SEVEN

RESOLVE, In Favor of Bucksport and Prospect Ferry Company, of Bucksport, Maine for the Loss of the Ferry Business by Reason of the Construction of Waldo-Hancock Bridge Across the Penobscot River.

Resolved: That there be and hereby is appropriated the sum of \$100,000 to be paid to the Bucksport & Prospect Ferry Company, of Bucksport, Maine, as full and final settlement of all claims against the state of Maine for loss of its franchise and business in the operation of the ferry situated at Bucksport under and by virtue of a charter from the state of Maine, caused by the construction, dedication and operation of the Waldo-Hancock bridge across the Penobscot river under the provisions of chapter 126 of the private and special laws of 1929 and amendments thereto, payment of the same to be made from the monies received by the state from tolls and other income derived from the operation of the said Waldo-Hancock bridge.

STATEMENT OF FACTS

That the Bucksport & Prospect Ferry Company, the claimant, for many years prior to the dedication and opening of the said Waldo-Hancock bridge to the public, conducted and operated a ferry across the Penobscot river from Bucksport, in the county of Hancock, to Prospect, in the county of Waldo, under and by virtue of a charter from the state of Maine granted many years ago; that in compliance with the said charter, the said claimant prepared and equipped itself and conducted a ferry in accordance with the said charter in such a manner as to render efficient and the best possible service to the public, and ever since the time of the granting of the said charter constantly kept up its equipment and service consistent and in accordance with the needs and demands of the public, from time to time taking into consideration the change in the mode of travel and the advent of the automobile, and from the beginning assumed and performed all of its obligations under the said charter to the public in the maintenance of said ferry, although prior to the advent of the automobile, the income derived from the said ferry business was meager, and since the advent of the automobile the ferry business has increased yearly, and for the period of 10 years prior to the dedication of the said bridge, and prior to the time the said ferry was discontinued as hereinafter mentioned, the average yearly net income has been \$22,000.00 and upwards, derived solely from the transportation of pedestrians, motor vehicles and other vehicles, animals and freight, each successive year showing an increase over the previous year; that by reason of the increase of travel, especially by automobile, due principally from the tourist business, the net income steadily increased, and taking into consideration the increase in previous years and the future outlook for this class of business, the net income of the claimant would have materially increased each year in the future; that through the expenditure of large sums of money, the ferry has been largely advertised and a lucrative business has been developed, and the claimant verily believes that one of the principal factors which led to the construction of the said bridge was by reason of the large volume of business developed and built up by the advertising and the operation of the said ferry.

That by reason of the construction and dedication of the said bridge, and by reason of the act of the legislature, private and special laws of 1929, chapter 126, section 11, whereby the directors of the said bridge were authorized and directed to acquire and take over all of the physical properties of the said claimant at a valuation fixed by the Public Utilities Com-

mission, including all real estate, equipment and other personal property at and for the sum of \$38,000.00, which in due course was paid to the claimant, no provision being made however for loss or damage to the ferry business, its franchise, and the loss of future earnings, the entire ferry business of the said claimant was wiped out and utterly destroyed, and the income which would otherwise have been derived from the traveling public and other sources in connection with the ferry business (all of which was diverted to the said bridge) by the continuance of the said ferry is entirely lost.

That the claimant makes this claim for payment of the loss which it sustained from the loss or damage to the ferry business, the loss of its franchise, and the loss of its future earnings.