

# MAINE STATE LEGISLATURE

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

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**Legislative Document**

**No. 629**

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S. P. 246

In Senate, February 11, 1959.

Referred to the Committee on Legal Affairs. Sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary.

Presented by Senator Charles of Cumberland.

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**STATE OF MAINE**

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-NINE

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**AN ACT Providing Ferry Service Between Mainland and Islands in Casco Bay,  
Cumberland County.**

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

**Sec. 1. P. & S. L., 1929, c. 114, § 1, sub-§ (a), amended.** Subsection (a) of section 1 of chapter 114 of the private and special laws of 1929 is amended to read as follows:

‘(a) **District created.** There is hereby created a district to be known as the “Port of Portland” which shall include the land and waters within the limits of the Cities of Portland and South Portland, together with the land and waters of Portland Harbor, including the islands in Casco Bay located within the limits of the City of Portland and the Town of Cumberland.’

**Sec. 2. P. & S. L., 1929, c. 114, § 1, sub-§ (b), amended.** The first sentence of subsection (b) of section 1 of chapter 114 of the private and special laws of 1929, as amended by section 2 of chapter 219 of the private and special laws of 1951, is further amended to read as follows:

‘The said Port Authority is constituted a public agency of the State of Maine for the general purpose of acquiring, constructing and operating piers and terminal facilities at the port of Portland and the port at Bar Harbor and for the purpose of securing and maintaining adequate 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, with all the rights, privileges and power necessary therefor, and shall have the power of buying, leasing and otherwise acquiring and of holding, owning, con-

trolling, constructing, leasing, operating and otherwise using and of selling and otherwise disposing of real and personal property and such rights and easements therein as its directors may from time to time consider necessary for the ~~purpose of above~~ **purposes, including ferry lines, boats, landing areas,** constructing, or securing the constructing or utilizing of piers and in connection therewith, highways, waterways, railroad connections, storage yards and sites for warehouses and industrial establishments, and may lay out and build thereon such piers, with buildings and appurtenances, docks, highways, waterways, railroad connections, storage yards, elevators, public warehouses, and every kind of railroad and marine terminal facility, as, in the opinion of its directors may be desirable; for a term not exceeding 5 years, it may lease, demise or rent any of its real or personal property not required in the performance of its functions; and for a period not exceeding 5 years, and in a sum not exceeding \$50,000 by vote of its directors, it may make any contract or agreement for the carrying on or performance of its purposes or for the more advantageous, expeditious or convenient discharge of its duties; no form of indebtedness issued or liabilities incurred by said Port Authority shall become an obligation of the State of Maine and all instruments so issued shall so state; it may acquire, hold and operate lighters and other vessels necessary or convenient; it may establish and collect the fees, rates, rentals and other compensation for the use of its property and facilities; it shall keep account of its income and expenditures, property and liabilities, in manner approved by the State Auditor, who shall audit its books of accounts at least once a year, and it shall make an annual report of the condition of its property and finances to the Governor and Council; the net income of the Port Authority may be used for improvements and extensions of the property of the Port Authority in the discretion of its directors.'

**Sec. 3. P. & S. L., 1929, c. 114, § 1, sub-§ (f), additional.** Section 1 of chapter 114 of the private and special laws of 1929, as last amended by section 11 of chapter 190 of the private and special laws of 1957, is further amended by adding a new subsection (f), to read 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.'**

**Sec. 4. P. & S. L., 1929, c. 114, § 6, amended.** The 2nd paragraph of section 6 of chapter 114 of the private and special laws of 1929, as enacted by section 2 of chapter 77 of the private and special laws of 1943 and as amended by section 2 of chapter 129 of the private and special laws of 1945, is further amended to read as follows:

'The Maine Port Authority may take for public use, for its purposes, any property, right, easement, use, interest or estate in any wharf, dock, pier or site, in-

cluding related approaches, abutments and appurtenances, **ferry line, boat or landing area** already appropriated to or charged with a public use, under the power of eminent domain; but consideration shall be given to such existing public use and all reasonable efforts shall be made to interfere no more than may be reasonably necessary with the business, service or functions of the owner, operator, possessor or other person controlling, managing or operating such existing public use; ~~provided, however, that no.~~ **No** such property, right, easement, use, interest or estate already appropriated to or charged with a public use shall be taken without contract with or the consent of the owner, operator, possessor or other person controlling, managing or operating the same, unless and until the Public Utilities Commission, after notice and hearing, shall have determined that such property, right, easement, use, interest or estate appropriated to or charged with a public use is necessary to said Authority for the purposes of this act, and that the taking by said Authority is in the public interest.'