

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SEVENTY-THIRD LEGISLATURE
OF THE
STATE OF MAINE
1907.

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1907

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1907.

CHAP. 276

Chapter 276.

An Act for the better protection of shell fish within the town of Yarmouth in the County of Cumberland.

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

Towns of Yarmouth and North Yarmouth may regulate taking of shell fish within their limits.

—residents or owners may take not exceeding one bushel at one tide.

Penalty for violation of this act.

Section 1. No shell fish shall be taken from any flats within the limits of the town of Yarmouth, in Cumberland county, except by written permit of the municipal officers of the said towns of Yarmouth and North Yarmouth, and payment to the said towns for the privilege at such price as said towns may establish at any town meeting, any existing laws to the contrary notwithstanding; provided, that without such permit, any inhabitant within said towns, or any person temporarily resident therein, or the riparian owner of such flats, may take therefrom for the immediate use of himself or his family, not exceeding one bushel at one tide. Nor shall the inhabitants of said towns of Yarmouth or North Yarmouth enjoy any privileges on the flats of the town of Cumberland.

Section 2. Any person taking shell fish contrary to the provisions of this act, shall be punished for each offense by a fine not exceeding ten dollars, or by imprisonment not exceeding thirty days or by both.

Section 3. This act shall take effect when approved.

Approved March 18, 1907.

Chapter 277.

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:

Additional powers granted.

Section 1. The People's Ferry Company, a corporation created under chapter four hundred and ninety-five of the private and special laws of the year eighteen hundred and eighty-five, in addition to the rights, powers and privileges conferred upon said company by said chapter four hundred and ninety-five and acts additional thereto and amendatory thereof, shall hereafter have, exercise and enjoy the following additional rights, powers and privileges, to wit:

—may maintain ferry between Portland pier and certain other ponds and islands.

The right to establish, set up, maintain and operate a ferry between Portland pier, so called, and other points in the city of Portland and the following islands in Casco bay: Great Diamond island, Little Diamond island, Long island, Peak's island and

Cushing's island, and one or more points on the shore of the town of Cape Elizabeth and the city of South Portland, and between any one or more of said islands and the shore of said Cape Elizabeth and said city of South Portland, and may, at its option, receive freight for transportation between any of said points, and shall, as hereinafter provided, use for such purposes a double end steam ferry boat or boats or such other boats propelled by steam or other motor power as may be suitable. Also the right to erect, construct, build and maintain piers, wharves and ferry slips into the tide waters of Casco bay at such points on either of said islands, or on the shore of Cape Elizabeth or the city of South Portland as it may acquire by lease, purchase or otherwise, the right to land its freight and passengers, and may erect, construct and build wharves, piers and ferry slips into said tide waters, and connect the same in such a manner as to accommodate public travel with any public street or way on said islands or in said town of Cape Elizabeth or city of South Portland, extending to low water mark, the consent of the municipal officers of the city or town in which the way is located being first obtained.

—may
receive
freight for
transporta-
tion.

May erect
wharves,
etc.

Also the right to acquire by lease, purchase or otherwise, lands and flats as far as low water mark and erect or construct thereon necessary wharves, piers and buildings for the accommodation of its patrons and the conduct of its business, and may also lease, purchase or otherwise acquire in any lands and flats on either of said islands, or on said shore of Cape Elizabeth or city of South Portland, wharf or landing privileges or the right to use any wharves, piers or ferry slips already or hereafter constructed on either of said islands or on said Cape Elizabeth shore or in said city of South Portland by any other person or corporation. Said company shall not, however, without first obtaining authority from the secretary of war, extend any of its wharves, piers or ferry slips into the waters of Casco bay or of Portland harbor as now or hereafter defined, nor erect any wharves, piers or other structures between high water mark and any of the boundaries of said Portland harbor as now or hereafter defined by or under any act of congress without first obtaining the consent of a majority of the commissioners of harbor and tidal waters of the city of Portland.

—may
acquire
lands and
flats.

—restric-
tions.

Section 2. Said People's Ferry Company shall have the right to charge reasonable tolls and fare for passengers, teams and freight between either of said points, but shall not exact a greater toll than five cents for transporting a passenger between said Portland and Peak's island. Nothing herein contained, however, shall effect the rates of toll to be charged between the

May charge
tolls and
fare.

CHAP. 277

city of Portland and Ferry village, so called, now the city of South Portland, as established by section four of said chapter four hundred ninety-five or the time of running between said last named points as provided in section six of said chapter four hundred ninety-five as amended by chapter one hundred twenty-five of the private and special laws of nineteen hundred and three, and as amended in this act.

City of
Portland
may author-
ize building
of wharf.

Section 3. The city of Portland shall have the right to authorize the said People's Ferry Company, upon the condition that said company shall obtain the necessary authority from the secretary of war, to construct, within the limits of any street or way on either of said islands between high and low water mark, a wharf, pier or other structure necessary to provide a suitable landing place for passengers, teams and freight in connection with any wharf or ferry slip said company may build into said waters of Casco bay; and the said company shall so construct said pier, wharf or other structure within the limits of said street or way as to afford the traveling public safe and convenient passage over the same to and from its boats, ferry slips and wharves, and shall keep said wharves and piers and other structures in repair and safe for travelers using the same as a highway, and the city of Portland may recover of said company the amount of any judgment recovered against it by reason of any defect in so much of any of said company's structures as forms a part of said street or way. All rights and landing privileges heretofore granted by the city of Portland to this company at Portland pier in said city, are hereby ratified and confirmed, and the city of Portland is hereby given the further right to grant to this company additional wharf and landing privileges at said Portland pier. The town of Cape Elizabeth or city of South Portland may extend any of its ways within said town or city to low water mark in the same manner a new way is laid out by said town or city, and its municipal officers may grant to said company the same rights in said way between high and low water mark as the city of Portland is herein authorized to grant.

City of
Portland
may recover
for damage
from defect
of such part
of wharf as
forms part
of street.

company
shall trans-
port fire
apparatus.

In case said city of Portland shall grant to said company the right to construct any such wharves or other structures within the limits of any street or way for the purposes aforesaid, and such wharf or other structure shall have been constructed by said company, or said company acquire by lease or purchase such rights granted by said city to any other company, person or corporation, said company shall, upon an alarm of fire at either of said islands, where it has established its line or to which the boats shall be then running, transport, during the business hours

of said company, free of charge, to said islands with all reasonable dispatch upon the request of the chief of the fire department or the mayor of the city of Portland, such pieces of apparatus for fighting fire as may be conveniently carried on its boats then in use and as may be directed by said chief of said fire department or the officer then in charge of the department, and as many members of the fire department as may be directed by the chief of the fire department or the officer then in charge, and transport the same back to said city of Portland during the business hours of said company, free of charge, whenever requested by the chief of the fire department or the officer in charge.

Section 4. Except by consent of the city council of the city of Portland said company shall make at least four trips each day throughout the year, excepting Sundays, between Portland and Peak's Island after having once established its line between said points unless prevented by accident, stress of weather or unavoidable casualty, and for at least eight consecutive months of each year a double end steam ferry, suitable for both passengers and teams, shall be operated by the company between Portland and Peak's island, but during the remainder of the year said company shall not be obliged to provide transportation except for passengers.

Number of
trips per day
specified.

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

May issue
bonds.

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

Section 2,
chapter 495,
amended.

'Section 2. The capital stock of said company shall not be less than ten thousand dollars, and not more than one hundred thousand dollars, and shall be divided into shares of fifty dollars each.'

Capital
stock.

Section 7. Section six of chapter four hundred ninety-five is hereby amended by striking out said section and substituting the following:

Section 6,
chapter 495,
amended.

'Section 6. The time for running said boat or boats, unless prevented by accident or unavoidable casualty shall on week

Time of
running
boats fixed.

CHAP. 278

days be not later than six o'clock in the forenoon and not less than two round trips per hour shall be run up to and until six and one half o'clock in the afternoon.

—may run
extra trips.

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

Shall estab-
lish lines
within two
years.

Section 8. Unless said company shall establish its lines between said Portland and at least one of said islands within two years from the passage of this act, all rights and privileges hereby granted in sections one to five both inclusive of this act shall cease.

Section 9. This act shall take effect when approved.

Approved March 18, 1907.

Chapter 278.

An Act to amend the charter of the Portland and Cape Elizabeth Ferry Company.

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

Section 4,
further
amended.

Section 1. Section four of the charter of the Portland and Cape Elizabeth Ferry Company, approved February seventeen, eighteen hundred and seventy-two, as amended, is hereby further amended by striking out said section four and by inserting the following in the place thereof.

Time of
running
boats fixed.

'Section 4. The time for running said boat or boats, unless prevented by accident or unavoidable casualty, shall on week days be from six o'clock in the forenoon to six and a half o'clock in the afternoon. And if said corporation shall neglect to furnish suitable and proper attendance, and suitable, safe and proper boat or boats at any time within the hours prescribed for running the same for the transportation of passengers or freight, as authorized by this act, said corporation shall forfeit and pay for each case of such neglect the sum of ten dollars, to be recovered in an action of the case by the person aggrieved thereby, in any court of competent jurisdiction; said corporation shall also be liable in a like action to the party injured, for loss and damage occasioned by the neglect or want of proper care on the part of said corporation, its agents or servants. But the

—penalty for
neglect.

—shall be
liable for
loss on
account of
neglect.