

MAINE STATE LEGISLATURE

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Acts and Resolves

As Passed by the

Seventy-Ninth Legislature

OF THE

STATE OF MAINE

1919

Published by the Secretary of State, in accordance with the Resolves of the Legislature
approved June 28, 1820, March 18, 1840, and March 16, 1842.

KENNEBEC JOURNAL CO.
AUGUSTA, MAINE
1919

6939

Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Seventy-Ninth
Legislature

1919

Chapter 91.

An Act to Prohibit the Use of Trawls of more than Four Thousand Hooks, or more than Ten Nets, within Certain Waters.

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

Sec. 1. Not over 4000 hooks of trawl or 10 nets to be used in certain waters. The use of more than four thousand hooks of trawl or more than ten nets by the crew of any dory, boat or vessel in one day within the following line is hereby prohibited: Inside of a direct line drawn from Little River Head to Cummings Head, Great Wass Island; from Cummings Head to Schoodic Point; and from Schoodic Point to east head of Isle au Haut; from east head of Isle au Haut to Pemaquid Point; and from Pemaquid Point to Cape Elizabeth.

Sec. 2. Penalty for violation. Any person violating any provision of this act shall be punished by a fine of not less than three hundred dollars nor more than five hundred dollars for each offense.

Approved April 1, 1919.

Chapter 92.

An Act Granting Bradbury Smith the Right to Establish and Maintain a Ferry between the Towns of Sullivan and Hancock.

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

Sec. 1. Bradbury Smith authorized to maintain ferry between Sullivan and Hancock and to take lands for necessary steps, etc.; row boats to be used only in case of unavoidable accident to power boats; procedure in case land damages cannot be settled amicably. Bradbury Smith of Sullivan and his assigns are hereby authorized to establish and maintain a ferry for the space of ten years from and after the date of February fifteenth, nineteen hundred and twenty-one, between the towns of Sullivan and Hancock, in the county of Hancock, across Taunton bay, or Sullivan river, so-called, from the terminus of the road now existing on the Hancock shore; with the right to keep and maintain suitable boats to be propelled by oars, sails, cable, naphtha, gasolene, or similar motive power, for the prompt and safe conveyance and transportation of passengers, teams, carriages, and freight, and they are hereby authorized for this purpose to lay and maintain a cable across said Sullivan river, between the termini above mentioned, but in such a way as not to obstruct navigation. Said Smith or his assigns are hereby authorized and empowered to erect and maintain at the terminal points of said ferry such wharves, slips, landings, toll houses, waiting rooms and other structures, including a proper and suitable walk from the Waukeag station of the Maine Central Railroad

Company to the Hancock terminus of said ferry as may be necessary and proper for the convenient operation and maintenance of said ferry; and for that purpose to take and hold or purchase and lease real estate at the terminal points of said ferry. If the parties cannot agree as to the value of any land taken under this act, the value shall be fixed and the damages assessed in the manner provided by law in cases where real estate is taken by railroads. It is provided that row boats shall be used for the transportation of passengers only when unavoidable accident or casualty prevents the use and operation of the power boats.

Sec. 2. Schedule of tolls for passengers and freight. The following rates of toll are hereby established: for a single team and carriage not exceeding two persons, thirty-five cents; for a double team and carriage not exceeding two persons, fifty cents; for each person exceeding two, five cents, and for each additional horse, ten cents; for a foot passenger, ten cents; for a yoke of cattle and driver, thirty-five cents; for same with cart, fifty cents; for an ox or horse not driven in harness, fifteen cents; and for each additional, ten cents, the driver paying as a foot passenger; and for sheep or swine, five cents per head; for a bicycle and rider, fifteen cents; touring cars, one dollar; runabouts, fifty cents. Said Smith is hereby required to transport freight and baggage to and from said Waukeag station to the Sullivan terminus of said ferry for a proper and reasonable compensation, it being understood and agreed that the rate for the transportation of freight shall not exceed that as expressed in the freight and express bills for nineteen hundred and seventeen and as tabulated on the nineteen hundred and seventeen freight and express books of said Smith.

Sec. 3. Hours when ferry boat shall be operated; liability for failure. Said ferry shall be operated, when the weather permits, from half past five o'clock in the forenoon until nine o'clock in the afternoon, between the dates of May fifteen and September fifteen of each year, and from sunrise until half past seven o'clock in the afternoon between the dates of September fifteen and May fifteen inclusive of each year. But transportation shall be provided for foot passengers to and from all trains stopping at said Waukeag station. For any unreasonable neglect or delay to transport either passengers or freight during the hours thus named, or when attending all passenger trains which stop at said Waukeag station, the persons operating said ferry shall be liable in an action on the case to the person injured for his damages.

Sec. 4. No other ferry to be operated within three-quarters of a mile; penalty for violation. Any person who keeps a ferry contrary to the provisions of this act, or who transports passengers, teams, carriages or freight between said towns of Sullivan and Hancock, across said Taunton bay or Sullivan river within three-fourths of a statute mile above or below

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the ferry established by this act for hire, or who furnishes for hire a boat or other craft for such purpose, forfeits four dollars for each day such ferry is kept or for each time of transportation, the same to be recovered by said Smith or his assigns, to their use, in an action on the case.

Sec. 5. Bond to be furnished; action for damages. Said Smith or his assigns, shall give a bond to the treasurer of the county of Hancock in such sum as the county commissioners of said county shall require, and with two sureties approved by said commissioners, for the faithful performance of the provisions of this act. Any one injured in person or property by the negligence or fault of the persons operating said ferry, or their employees, may commence a suit on such bond in which the proceedings shall be similar to those in actions on the bond of sheriffs, or instead may sue the person operating said ferry in an action on the case.

Sec. 6. County commissioners to have supervision; may order apparatus improved and if order not complied with may sell property; may revoke charter and appoint some other person to operate ferry; proviso; costs of hearing, how met. The county commissioners of Hancock county shall have supervision of all matters pertaining to all apparatus used in operating said ferry and service at the same, and upon petition and hearing may order the same to be improved, and if said order shall not be complied with to their satisfaction, and they shall so determine and decree, then and in such cases all the powers, rights and privileges hereby granted to said Smith shall cease and terminate, and thereupon said commissioners shall appraise the boats, apparatus and other property used in running and operating said ferry at its fair value, and all the powers, rights and privileges hereby granted and specified in this act shall inure to and become vested in such person or persons as said commissioners shall then appoint and their assigns, provided said person or persons so appointed shall within such time as shall be specified by said commissioners pay to said Smith the value of said boats, apparatus and other personal property as appraised by said commissioners. Said commissioners shall also have the power, at any time, during the continuance of this charter, after petition and hearing when in their judgment the public interest demands it, to revoke all the powers and privileges granted by this act, and thereupon they shall appraise all the boats, apparatus, and all other property that may have been acquired under the provisions of section one of this act, used in running and operating said ferry at its fair value and any person who may be appointed to run said ferry by said commissioners under the statutes of Maine shall purchase said property as said appraisal; provided, however, that if the said Smith or his assigns shall, within a reasonable time, be able to dispose of said property at an advance over the value as appraised by the county commissioners, he or his assigns shall have the authority and right to do so.

When, at any hearing under the provisions of this section, the said commissioners shall find any person operating said ferry to be at fault, the latter shall pay costs of hearing, not including counsel fees; otherwise said costs shall be paid by the petitioner.

Sec. 7. Charter rights may be transferred upon approval of county commissioners. Said Smith or his assigns may transfer by assignment in writing the privileges granted by this act, and the person so transferring said rights shall be relieved from all obligations imposed by this act. The person or persons to whom said privileges are assigned shall be acceptable to the said county commissioners.

Sec. 8. Public utilities commission to have supervision over schedule of rates. The rates established in section two of this act shall be deemed to constitute the initial schedule of rates; and the public utilities commission shall have the same jurisdiction over the rates to be charged and the service to be rendered under this act that is now, or may be hereafter, conferred upon it in respect of vessels operated between points within the State of Maine.

Approved April 3, 1919.

Chapter 93.

An Act Authorizing the Penobscot Development Company to Construct and Maintain Booms and Piers in the Aroostook River in the Town of Ashland.

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

Sec. 1. Authorized to maintain piers and booms in Aroostook river in Ashland; location and purpose. The Penobscot Development Company, a corporation organized under the laws of Maine, its successors and assigns, are hereby authorized and empowered to erect and maintain piers and booms in the Aroostook river in the town of Ashland, between the highway bridge so-called and piers of the Ashland Manufacturing Company just above the mouth of the Big Machias, for the purpose of holding all logs and lumber coming down said river for their use.

Sec. 2. Navigation not to be impeded; logs not to be delayed. All piers and booms authorized by this act shall be so constructed and maintained as not to impede navigation or to unreasonably hinder or delay the driving of logs and lumber at all times.

Sec. 3. Logs not belonging to company to be turned out. All logs and lumber belonging to other parties and caught in said boom shall be forthwith turned out by said Penobscot Development Company, its successors or assigns at their own expense.