

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Ninety-eighth Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with subsection VI of section 27 of chapter 10 of the Revised Statutes of 1954.

KENNEBEC JOURNAL

AUGUSTA, MAINE

1957

Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Ninety-eighth Legislature

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locate, erect and maintain a causeway and bridge across the flats and tidewaters of Medomak river between Wolsgrover Island in the town of Friendship and the mainland of said town which lies opposite said Island. The location and route of said causeway and bridge shall be as follows: Beginning at the northwesterly end of the town way or highway leading from State route #220 to Timber Point, so called, in said town; thence in a northwesterly direction across the flats to a large rock near low water mark; thence continuing at a slight angle to the right in a northwesterly direction across tidewater and across flats of said corporation to the upland of said Island owned and improved by said corporation. Said causeway and bridge shall be 12 feet wide on top and may have an overall width of 14 feet at the point where it joins said road and a gradually increasing overall width proportionate to its height as it extends toward and over tidewater. Said bridge shall have a span between supports or pilings across tidewater at its deepest point of at least 25 feet and at such span shall have a clearance above mean high water of at least 15 feet and in any event not less than that specified therefor by the United States Army Engineers. Said causeway and bridge shall not be constructed unless and until either Sunset Real Estate Corporation, its successors or assigns have acquired by deed a right of way therefor across the flats adjoining the mainland on which the same is to be located or a town way or private way across land, flats and tidewater from said town way or highway first above mentioned to the upland of said Island owned by said corporation, for the purpose of erecting and maintaining said causeway and bridge thereon, has been laid out, accepted and established or finally located pursuant to and subject to the provisions of sections 29, 31, 34, 40, 41 and 42 of chapter 96 of the Revised Statutes, such action being hereby authorized.

Effective August 28, 1957

Chapter 190

AN ACT to Authorize Ferry Service for North Haven, Vinalhaven, Islesboro and Swan's Island.

Preamble. Two-thirds of both Houses of the Legislature deeming it necessary in accordance with Section 14 of Article IX of the Constitution:

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

Sec. 1. Ferry service for North Haven, Vinalhaven, Islesboro and Swan's Island. It shall be the duty of the Maine Port Authority to operate a ferry line or lines between the mainland and the towns of North Haven, Vinalhaven, Islesboro and Swan's Island for the purpose of transporting vehicles, freight and passengers to and from said towns.

Sec. 2. Purchase of equipment and property. Suitable boats, wharves, landing places and all other necessary appurtenances shall be secured by the Maine Port Authority through purchase, lease, condemnation or agreement so as to adequately provide for transporting vehicles, freight and passengers to and from said towns of North Haven, Vinalhaven, Islesboro and Swan's Island at an estimated cost of \$2,500,000. Said cost and interest during the establishment of such ferry line or lines shall be taken and appropriated from the proceeds of bonds issued under authority of this act.

Sec. 3. Advisory committee. There is established an advisory committee, which shall consist of 7 members, one from the town of North Haven, one from the town of Vinalhaven, one from the town of Islesboro and one from the town of Swan's Island and 3 members from the mainland of Knox, Waldo and Hancock counties, and which shall be appointed by the Governor with the advice and consent of the Council. The members of the advisory committee shall serve without compensation, but shall be allowed actual and necessary expenses in the performance of their duties.

The advisory committee shall meet upon call of the President of the Board of Directors of the Maine Port Authority, or upon call of a majority of their own members, shall act in an advisory capacity to the Maine Port Authority in establishing and operating the ferry line or lines, and may make such recommendations as it deems appropriate.

Sec. 4. Tolls. The Maine Port Authority shall operate such ferry line or lines as a toll system to retire the bonds issued as provided by this act and to provide for all the expenses and maintenance incurred hereunder. The Maine Port Authority shall charge and collect such tolls for the use of such ferry line or lines by vehicles, freight and passengers as may from time to time be determined and ordered by it, having due regard to the value of the services rendered, the cost of upkeep, maintenance, repairs and operation, and interest on the bonds issued.

Sec. 5. Treasurer of State to issue bonds. The Treasurer of State is hereby authorized, under the direction of the Governor and Council, to issue from time to time serial coupon bonds in the name and behalf of the State to an amount not exceeding \$2,500,000 for the purpose of raising funds for the establishment and operation of said ferry line or lines and interest during such establishment. Said bonds shall be deemed a pledge of the faith and credit of the State.

Sec. 6. Records of bonds issued to be kept by State Auditor and Treasurer. The State Auditor shall keep an account of such bonds, showing the number and amount of each, the date of countersigning, the date when payable and the date of delivery thereof to the Treasurer of State, who shall keep an account of each bond, showing the number thereof, the name of the person to whom sold, the amount received for the same, the date of sale and the date when payable.

Sec. 7. Sale, how negotiated; proceeds appropriated. The Treasurer of State may negotiate the sale of such bonds by direction of the Governor and Council; but no such bond shall be loaned, pledged or hypothecated in behalf of the State. The proceeds of the sales of such bonds, which shall be held by the Treasurer of State and paid by him upon warrants drawn by the Governor and Council are hereby appropriated to be used solely for the purposes set forth in this act. Any balance unexpended shall not lapse, but shall be carried forward to the same account to be used only for the purposes set forth herein.

Sec. 8. Proceeds of bonds not available for other purposes; must be kept separate from other funds. The proceeds of all bonds issued under the authority of this act, and the tolls collected hereunder, shall at all times be kept distinct from all other moneys of the State and shall not be drawn upon or be available for any other purpose.

Sec. 9. Interest and debt retirement. Interest due or accruing upon any bonds issued under the provisions of this act and all sums coming due for payment of bonds at maturity shall be paid by the Treasurer of State. The interest charges on the bonds issued hereunder, that accrue before sufficient funds are

available from tolls to pay them in full, shall be paid from the proceeds from the bonds issued under the provisions of this act until such time as the tolls of the ferry line or lines, applicable for the payment of interest, are sufficient for this purpose.

Sec. 10. Disbursement of bond proceeds. The proceeds of such bonds shall be expended under the direction and supervision of the Maine Port Authority.

Sec. 11. P. & S. L., 1929, c. 114, § 1, sub-§ (e), additional. Section 1 of chapter 114 of the private and special laws of 1929, as amended by chapter 5 of the private and special laws of 1941, is hereby further amended by adding thereto a new subsection (e), to read as follows:

‘(e) Ferry service for North Haven, Vinalhaven, Islesboro and Swan’s Island. It shall be the duty of the Maine Port Authority to operate a ferry line or lines between the mainland and the towns of North Haven, Vinalhaven, Islesboro and Swan’s Island for the purpose of transporting vehicles, freight and passengers to and from said towns.’

Sec. 12. Contingent upon ratification of bond issue. No action shall be taken or liability incurred under this act unless and until the people of Maine shall have ratified the issuance of bonds in behalf of the State at such time and in such amounts as set forth in this act for the purpose of establishing and operating a ferry line or lines between the mainland and the towns of North Haven, Vinalhaven, Islesboro and Swan’s Island.

Referendum for ratification. The aldermen of cities, the selectmen of towns and the assessors of the several plantations of this State are hereby empowered and directed to notify the inhabitants of their respective cities, towns and plantations to meet in the manner prescribed by law for calling and holding biennial meetings of said inhabitants for the election of Senators and Representatives, at the next general or special state-wide election, to give in their votes upon the acceptance or rejection of the foregoing act, and the question shall be:

“Shall a bond issue be ratified in an amount not to exceed \$2,500,000 as set forth in ‘An Act to Authorize Ferry Service for North Haven, Vinalhaven, Islesboro and Swan’s Island’ passed by the 98th Legislature?”

And the inhabitants of said cities, towns and plantations shall indicate by a cross or check mark placed within a square upon their ballots their opinion of the same, those in favor of said ratification voting “Yes” and those opposed to said ratification voting “No” and the ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings, and return made to the office of the Secretary of State in the same manner as votes for Governor and Members of the Legislature, and the Governor and Council shall count the same and if it shall appear that a majority of the inhabitants voting on the question are in favor of the act, the Governor shall forthwith make known the fact by his proclamation, and the act shall become effective in 30 days after the date of said proclamation.

Secretary of State shall prepare ballots. The Secretary of State shall prepare and furnish to the several cities, towns and plantations ballots and blank returns in conformity with the foregoing act, accompanied by a copy thereof.