

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Maine
REVISED STATUTES
1964

*Prepared Under the Supervision
of the
Committee on Revision of Statutes*

Being the Tenth Revision of the
Revised Statutes of the State
of Maine, 1964

Volume 4
Titles 21 to 25



Boston, Mass.
Boston Law Book Co.

Orford, N. H.
Equity Publishing Corporation

St. Paul, Minn.
West Publishing Co.

Text of Revised Statutes
Copyright © 1964
by
State of Maine

This is a historical version of the Maine Revised Statutes that may not reflect the current state of the law. For the most current version, go to:

<http://legislature.maine.gov/legis/statutes/>

CHAPTER 213

FERRIES

Subch.	Sec.
I. General Provisions	2301
II. Ferryman	2351
III. Care and Equipment	2401

SUBCHAPTER I

GENERAL PROVISIONS

Sec.
2301. Establishment; tolls.
2302. Unlawful operation; penalty.
2303. Eminent domain.
2304. Jurisdiction of Somerset commissioners.

§ 2301. Establishment; tolls

The county commissioners may establish ferries at such times and places as are necessary and fix their tolls, and in case no person is found to keep them for said tolls, shall regulate and fix the compensation of the ferryman, and shall discontinue such ferries when, in their judgment, it may be expedient. When no person is found to keep them for the tolls, the towns in which they are established shall provide a person to be licensed to keep them and shall pay the expenses, beyond the amount of tolls received, for maintaining them. When established between towns, they shall be maintained by them in such proportions as the commissioners order. For each month's neglect to maintain such ferry or its proportion thereof, a town forfeits \$40.

R.S.1954, c. 89, § 74.

§ 2302. Unlawful operation; penalty

A person who keeps a ferry contrary to sections 2301 or 2351, or without authority transports passengers or property across any licensed or established ferry for hire or furnishes for hire a boat or other craft for such purpose, forfeits \$4 for each day such ferry is kept or for each time of transportation, and is liable to the party injured and keeping the ferry at or near the place for damages sustained by him in a civil action.

R.S.1954, c. 89, § 78; 1961, c. 317, § 223.

§ 2303. Eminent domain

Corporations organized for the purpose of owning, controlling, operating or managing any steam ferry boat regularly engaged in the transportation of persons or property for compensation upon tidal waters over regular routes between points within this State and under the jurisdiction of the Public Utilities Commission are authorized and empowered to take and hold, as for public uses, such lands and easements as may be necessary for the proper location of any ferry wings or other structures designed and used in such transportation in the same manner as set forth in Title 35, chapter 263. Such taking shall be approved and the public exigency determined by decree of the municipal officers of the city or town in which such land and easements are located, by the county commissioners of the county and by the Public Utilities Commission.

R.S.1954, c. 89, § 85.

§ 2304. Jurisdiction of Somerset commissioners

The commissioners of the County of Somerset have exclusive jurisdiction in all matters relating to ferries between the Counties of Somerset and Kennebec.

R.S.1954, c. 89, § 86.

SUBCHAPTER II

FERRYMAN

Sec.

2351. License; bond

2352. Action on bond.

2353. Neglect of duty.

§ 2351. License; bond

County commissioners may license persons to keep ferries at such places and for such times as are necessary, except where they are otherwise legally established; may establish tolls for the passage of persons and property; revoke such licenses at pleasure; and shall take from the person licensed, a bond to the Treasurer of State, with sureties, for the faithful performance of his duties. Whenever said commissioners remove a ferryman, they shall appraise the boat and other personal property used in running the ferry at its fair value, and the person appointed shall purchase the same at said appraisal, if the person removed assents thereto.

R.S.1954, c. 89, § 73.

§ 2352. Action on bond

Anyone injured in person or property by the negligence or default of a ferryman may commence a civil action on his bond, in which the proceedings shall be similar to those in actions on the bonds of sheriffs.

R.S.1954, c. 89, § 76; 1961, c. 317, § 222.

§ 2353. Neglect of duty

The ferryman or person so contracting forfeits \$10 for each day's neglect to perform such duty and is liable, in a civil action, for damages to any person injured thereby.

R.S.1954, c. 89, § 80; 1961, c. 317, § 224.

SUBCHAPTER III**CARE AND EQUIPMENT**

Sec.

- 2401. Steam or horse ferry.
- 2402. —Forfeit of license.
- 2403. Safe boats required; prompt attendance.
- 2404. Substitution of safe boats.
- 2405. Piers sunk to guide boats at ferries.
- 2406. Leveling of ice and repair of way in winter.
- 2407. Obstruction to ferries.

§ 2401. Steam or horse ferry

When a ferry established by the Legislature is to be passed by a steam or horse boat, no other ferry shall be established on the same river within one mile above or below it.

R.S.1954, c. 89, § 77.

§ 2402. —Forfeit of license

A licensed ferryman who uses at his ferry a boat propelled by steam or horse power forfeits his license and is liable to any person or corporation for damages occasioned thereby.

R.S.1954, c. 89, § 81.

§ 2403. Safe boats required; prompt attendance

Every keeper of a ferry shall keep a suitable and safe boat or boats for use on the waters to be passed and give prompt at-

tendance for passage, according to the regulations established for the ferry. For neglecting to keep such boat he forfeits \$20, and for neglect of attendance, \$1, to the prosecutor in a civil action; and is liable in a civil action to the party injured for his damages.

R.S.1954, c. 89, § 75; 1961, c. 317, § 221.

§ 2404. Substitution of safe boats

Persons required to use at a ferry steam or horse boats may, when the passage by them is dangerous, use other safe boats.

R.S.1954, c. 89, § 82.

§ 2405. Piers sunk to guide boats at ferries

The proprietors of a ferry, to guide their boats, may sink piers near their ferry ways above and below the same on each side of the river not more than 12 feet in length or breadth and not so sunk as to injure any wharf or landing where vessels had previously taken or discharged freights.

R.S.1954, c. 89, § 84.

§ 2406. Leveling of ice and repair of way in winter

When tidal waters over which ferries are established become so frozen that travelers may pass on the ice, the keepers of them shall level the ice and clear and repair the passageway from day to day so that the same may at all times be safe and convenient for travelers with teams, sleds and sleighs. Such way for passage may be made from a public landing sufficiently near to be connected with the opposite ferry landing. The commissioners shall fix a reasonable compensation therefor, to be paid from the county treasury, or they may contract with another person to perform such duties and give notice thereof to the keeper of the ferry before the river is closed. During the continuance of such contract the liabilities of the keeper are transferred to the person contracting.

R.S.1954, c. 89, § 79.

§ 2407. Obstruction to ferries

Whoever places a weir or other obstacle or without necessity anchors or places a raft, vessel or water craft so as to obstruct the ordinary passageway of any boat at a ferry licensed or established forfeits \$20 to the proprietor of the ferry, to be recovered in a civil action, unless such obstruction was inadvertently made and

removed within 30 minutes, if practicable, after notice given of its improper position, or unless it was occasioned by hauling into a wharf, pier, landing or dock, without unreasonable delay or willful misconduct.

R.S.1954, c. 89, § 83; 1961, c. 317, § 225.