

# MAINE STATE LEGISLATURE

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STATE OF MAINE

ONE HUNDRED AND EIGHTH LEGISLATURE

COMMITTEE ON TRANSPORTATION

December 19, 1977

Representative John L. Martin, Chairman  
Legislative Council  
State House  
Augusta, Maine 04333

Dear Speaker Martin,

In accordance with the directive of the Legislative Council, directing the Committee on Transportation to study the transportation problems and needs in Casco Bay, we enclose herein the final report of the Committee.

Respectfully submitted,

A handwritten signature in cursive script that reads "Edwin H. Greeley".

Edwin H. Greeley  
Senate Chairman, Transportation Committee

A handwritten signature in cursive script that reads "George A. Carroll".

George A. Carroll  
House Chairman, Transportation Committee



REPORT OF THE COMMITTEE  
ON TRANSPORTATION  
ON ITS STUDY OF  
THE TRANSPORTATION PROBLEMS AND NEEDS OF CASCO BAY

Senate

Edwin H. Greely  
Cecil H. McNally  
Carroll E. Minkowsky

House

George A. Carroll  
Emile Jacques  
John W. Jensen  
Kenneth C. Brown  
James P. Elias  
Richard E. McKean  
Donald A. Strout  
Frederick B. Lunt  
Marjorie C. Hutchings  
Lloyd Littlefield

Legislative Assistant

Edward W. Potter

January 20, 1978



## INTRODUCTION

The Joint Standing Committee on Transportation, pursuant to Study Order #1733, undertook a study of the transportation system in Casco Bay. The study order directed the Committee on Transportation to..."study...the transportation problems and needs of and alternatives to the present transportation system between the Casco Bay Islands and between the Casco Bay Islands and the Portland City mainland...."

The Committee on Transportation formed a subcommittee to study the transportation system in Casco Bay. In addition, the subcommittee was authorized to hold a public hearing in Portland pertaining to the level of service between the islands and the mainland and the alternatives to the present transportation system.

The Transportation subcommittee held a public hearing in Portland on November 16, 1977. The hearing was advertised in three local newspapers for two weeks, and all interested persons or groups were informed by letter or telephone of the hearing.

The subcommittee reported its findings and recommendations to the full committee on December 15, 1977. The subcommittee's findings and recommendations were accepted by a majority of the Committee on Transportation.

### Findings and Recommendations of the Majority of the Committee on Transportation

#### Findings

1. Water transportation poses unique problems for a water transportation commuter service that does not permit the same level of service that a land transportation system can provide.
2. Casco Bay Lines, as far as the Committee can determine, is not incurring exorbitant or unwarranted costs of operation for the conditions under which it must operate. Since Casco Bay Lines is regulated by the Public Utilities Commission, just and reasonable rates for the ferry service have been maintained. In addition, commission regulation has served to prevent any significant degree of mismanagement of the line.
3. Casco Bay Lines provides service between the Casco Bay Islands and Portland City Mainland that exceeds the minimum level of service proposed by the PUC. In addition, water transportation service in Casco Bay exceeds the level of service offered in any other coastal-island section of Maine.

4. The existence of one or several additional carriers, regulated or unregulated, in Casco Bay will have an adverse effect upon existing service and thereby jeopardize regular and timely water transportation service in Casco Bay. In general, additional carriers that provide service at any time (upon demand) will siphon users from a scheduled service. Furthermore, other carriers that provide service during hours when the scheduled service is not operating or when the scheduled service is in transit will also siphon users from the scheduled service.
5. In order to effectively regulate several water transportation carriers, including private vessels operating upon demand, it is necessary to provide for the adequate enforcement of regulation. The cost of providing an acceptable level of enforcement would be determined by the number of vessels providing service, but licensing, inspections, and rate cases would most probably be very expensive.
6. To regulate the operation of additional carriers in Casco Bay would not only jeopardize scheduled service, but would also jeopardize the public safety and welfare. Although vessels are inspected by the coast guard, the inspections are very limited. In addition, unregulated vessels would probably operate uninsured as a vessel for hire.
7. The City of Portland is presently investigating several sites for the construction of a new city wharf, terminal, and parking facilities that will be made available to Casco Bay Lines. The new facilities, if constructed, will enable Casco Bay Lines to provide more efficient and higher level of service than presently exists.
8. At the present time transportation between the Casco Bay Islands and the Portland City mainland is primarily the financial responsibility of the users of the service. In the event that the transportation service is inadequate or user rates become unreasonable, the City of Portland has the primary responsibility to its island citizens to improve the existing service or share the cost of the service.

City assistance can be in the form of subsidies to Casco Bay Lines or in the form of public ownership and operation of the service. The City of Portland, along with several neighboring municipalities, operates a public bus system. City officials have not investigated the need or desirability of a municipal owned and operated ferry service in Casco Bay.

## Recommendations

1. The proposal to permit operators of private vessels to carry 6 or less passengers for compensation in Casco Bay will be detrimental to existing scheduled service in Casco Bay. As a result, the proposal is rejected by the subcommittee.
2. The proposal to enact enabling legislation to permit the residents of the Casco Bay Islands to purchase and operate Casco Bay Lines (Transit District) is also rejected by the subcommittee. The residents of the islands have neither conducted an economic feasibility study of the proposal nor have they reached the decision to actively pursue an investigation of the proposal. Enabling legislation in this case should be enacted only at the time that there is a general consensus among the residents of the islands to acquire the operation, that the residents show evidence of the ability to purchase and manage the operation, and that a tentative schedule of service and rates has been developed.
3. The residents of the Casco Bay Islands are presently responsible for financing service between the islands and the Portland mainland. Since a number of islands' residents, charge that the service of Casco Bay Lines can be improved and the firm's costs reduced, these charges along with the request for additional service should be presented to the Public Utilities Commission. The Commission, upon petition of the residents, could use its professional staff to conduct a financial analysis of the service and the economic feasibility of providing additional service.
4. The City of Portland has the primary responsibility to its island citizens to improve inadequate service or to share the cost of service that has become too great for the users. The City of Portland therefore, should investigate the level and cost of transportation between the Casco Bay Islands and the Portland mainland. If additional service is required or if the cost of service is unreasonable, it is the obligation of the city to insure its island citizens that adequate service is maintained at a reasonable cost.

The City of Portland via Private and Special Laws, 1885, Chapter 495 as amended by P&SL 1921, c. 154, is authorized to provide a maximum of \$10,000 to Casco Bay Lines to defray expenses of the service. The City of Portland rejected a request of the owner of Casco Bay Lines for a municipal subsidy to stabilize rates. In the opinion of the Subcommittee, the City of Portland should re-evaluate its policy concerning municipal subsidies to Casco Bay Lines which may require an increase in the maximum appropriation permitted by law.

5. In the event that municipal subsidization of Casco Bay Lines is insufficient to provide adequate service at reasonable rates, the City of Portland should investigate the feasibility of purchasing and operating the ferry service as a municipal transit system. In addition, the City of Portland should investigate the availability of federal funds such as urban mass transit funds for the operation of a municipal ferry service.
6. If the City of Portland is unable or refuses to bear the burden of providing its island citizens with adequate service at reasonable rates, the State should investigate the feasibility of subsidizing the ferry service. At the present time, ferry service to coastal islands, except to islands in Casco Bay, is subsidized by the State at roughly 50% of total cost of operation.
7. The City of Portland is presently investigating the feasibility of constructing with federal and local funds new city wharf, terminal, and parking facilities which will be made available to Casco Bay Lines. Since this part of Portland's waterfront project is in the research phase, the Committee is unable to make any recommendations concerning ferry docking and service facilities.

Findings and Recommendations of the Minority of the Committee  
on Transportation - Representatives John Jensen, Kenneth Brown,  
James Elias and Richard McKean

Findings

1. Water transportation poses unique problems for a water transportation commuter service that does not permit the same level of service that a land transportation system can provide.
2. Casco Bay Lines provides service between the Casco Bay Islands and Portland City Mainland that exceeds the minimum level of service proposed by the PUC. In addition, water transportation service in Casco Bay exceeds the level of service offered in any other coastal-island section of Maine.
3. There is no basis for the present near total exclusion of alternative transportation service between the Casco Bay Islands and the Portland mainland particularly during the winter months and late at night and early morning.
4. The demand for transportation in Casco Bay is not great enough to require an additional ferry to operate on a regular basis. To require additional regularly scheduled ferry service would adversely affect Casco Bay Lines.
5. A transit district, administered by the residents of the Casco Bay islands is not a viable alternative. There is no evidence at the present time to indicate that the residents have the financial resources or the means to operate a ferry service in Casco Bay.
6. Additional carriers in Casco Bay would have an adverse economic impact on existing ferry service if allowed to compete. However, a very real, but limited, need exists for transportation during non-service hours, particularly late in the evening during non-summer months. A partial elimination of the existing monopoly service would allow this need to be met on demand, as long as there are strict limits on the number of passengers and the hours of operation in order to insure that any additional service complements, rather than competes with, the existing service.
7. Existing Coast Guard rules and regulations (as well as inspections) would appear to be adequate for any occasional, demand service.
8. The City of Portland is presently investigating several sites for the construction of a new city wharf, terminal, and parking facilities that will be made available to Casco Bay Lines. The new facilities, if constructed, will enable Casco Bay Lines to provide more efficient and higher level of service than presently exists. This however, would improve existing service rather than increase service.

## Recommendations

1. In addition to the regularly scheduled service provided by Casco Bay Lines, other private carriers should not be prohibited from providing transportation service between the islands and the mainland for compensation at times that Casco Bay Lines is not operating. Private boats operating for occasional hire should be limited to a maximum of 6 passengers per trip. In addition, these carriers would be restricted from operating for 2 hours prior to the scheduled departure of a Casco Bay Lines ferry to the same destination in order to prevent direct competition.
2. The operation of additional carriers in Casco Bay will help resolve the transportation needs of residents of the islands who are in need of service in addition to that provided by Casco Bay Lines. In particular, residents who wish to attend university classes, city council meetings, civic organization meetings and other activities on the mainland are often prevented from participating because ferry service is not available at the necessary time.
3. If "small boat" owners (i.e., fisherman or lobstermen, etc.) are permitted to provide transportation for hire, the islands' residents will be better able to participate in mainland activities. Furthermore, the operation of additional carriers in Casco Bay will generate more demand for Casco Bay Line services. Whereas, present transportation service reduces use of Casco Bay Lines, additional carriers will enable residents of the islands to attend mainland functions and use Casco Bay Lines for the trip to or the trip from the mainland.

## I. Background

Casco Bay Lines, a privately owned ferry company, provides passenger and freight service between six islands in Casco Bay, "five of which are part of the city of Portland," and the Portland mainland. The firm also operates tours and charters during the summer months.

The level of ferry service is determined, in part, by the population of the islands as described in Table 1.

Table 1  
Ferry Service Between Portland and  
The Casco Bay Islands

<u>Name of Island</u>	<u>Year-Round Population</u>	Number of Round Trips (as of Nov. 5, 1977)
		<u>Round Trips</u>
Chebeague Island (Cumberland)	450	3 4 (T&F)
Cliff Island (Portland)	70	3 4 (T&F)
Great Diamond Island (Portland)	7	4
Little Diamond Island (Portland)	7	4
Long Island (Portland)	101	4
Peaks Island (Portland)	750	11 13 (M, W, F)

### Sundays & Holidays

	<u>Round Trips</u>
Peaks Island	6
Long Island	2
Diamond	2
Cliff	2
Chebeague	2

During the summer months, the population of these islands increases, but it is difficult to determine the size of the seasonal population. Casco Bay Lines estimates the summer population of Peaks Island to be between 6,000 and 7,000 people. Peaks Island has by far the largest summer population of all the islands.

Chebeague Island is located in the Town of Cumberland and is served primarily by the Chebeague Transportation Company Water Taxi which operates between Chebeague and Cousins Island, which is part of the town of Yarmouth. A bridge connects Cousins Island with the mainland at Yarmouth. The Chebeague Transportation Company is not regulated by the Public Utilities Commission and thereby siphons business from Casco Bay Lines by means of lower rates.

Casco Bay Lines owns and operates five vessels. One of the vessels is a car ferry that serves Peaks Island. Each passenger ferry boat is capable of transporting roughly 300 people. The car ferry boat is capable of transporting 75 passengers and 9 automobiles.

## II. Issues

Basically, there are two major issues to the study.

A. Ferry service between the Casco Bay Islands and the Mainland; and

B. The condition/construction of docking and landing facilities for Casco Bay Ferry services

### A. Ferry Service Between the Casco Bay Islands and the Mainland.

The issues involved in ferry service between the islands and the Portland city mainland concerns the level of service. In order to determine the appropriate level of ferry service for island residents, the committee must consider where the responsibility for service lies, the efficiency of the provider, and the resources of the provider.

#### 1. Efficiency and Resources of Casco Bay Lines

Casco Bay Lines, which has the responsibility for providing the service has been granted several rate increases between July, 1974 and November, 1977 which total 46 percent. A temporary 10 percent rate increase was granted for the summer of 1977 to increase tourist and charter revenues. In addition, Casco Bay Lines recently requested a 17.38 percent increase in rates. The Public Utilities Commission granted a 7.4 percent increase in the rates in lieu of the 17.38 percent increase requested by Casco Bay Lines.

Between 1972 and 1977, Casco Bay Lines has experienced an increase of nearly 17 percent in regular passenger use, but the number of tourist and charter passengers declined 27.5 percent between 1972 and 1974. Tourist and charter traffic increased, however, between 1976 and 1977. The number of tourist and traffic users rose 17 percent in this period.

The largest proportion of revenues of Casco Bay Lines for fiscal year 1976-77 was derived from car, freight, and passenger service. These services provided 67 percent of the revenues, and the tourist/charter trade provided 24 percent of the firm's revenues. Mail revenues comprised 6 percent of total revenues.

The greatest single expense of Casco Bay Lines in fiscal year 1976-1977 was salaries and wages which accounted for 45 percent of total expenses. Of this amount, the salaries of the two owners comprised 15 percent. The second largest single expense was repairs of vessels which accounted for 8.1 percent of total expenses. The vessels were repaired in a South Portland shipyard owned by the owners of the Casco Bay Lines. Revenues from repairs of Casco Bay Lines vessels comprised 6 percent of the total revenues of the shipyard.

At one time, the staff of the Public Utilities Commission was concerned about the arrangement between the shipyard and Casco Bay Lines. The shipyard, according to some critics, provides an opportunity for Casco Bay Lines to obtain unnecessary revenues to cover repair costs. The PUC staff's findings indicate that the repair costs are not exorbitant. Without the South Portland Shipyard, Casco Bay Lines would be greatly inconvenienced. Ships would have to be sent to Portsmouth, Boston, or Bath for repair work.

The most significant type of repair is corrosion prevention which is attributed to the acidic nature of Casco Bay. Corrosion prevention is accomplished by means of a coating designed to protect the hull.

The statistical data indicates that Casco Bay Lines, for the most part, is not incurring unwarranted, exorbitant costs. Furthermore, the residents of the islands may be paying rates that are, in part, subsidized by the firm's tourist/charter business. The vessels used by Casco Bay lines in the tourist/charter business are the same vessels used to transport residents of the islands between the islands and the mainland. The fees paid by the tourist/charter customers are significantly higher than fees paid by island residents for the service that is provided.

Casco Bay Lines is a public utility regulated by the Public Utilities Commission. The firm is thereby ensured of a rate of return to attract capital into the enterprise. Casco Bay Lines, therefore, is not a marginal business, and its operations are under state scrutiny.

## 2. Criticism of the Efficiency and Service of Casco Bay Lines.

Although Casco Bay Lines is subject to State scrutiny and regulation, a number of residents of the islands believe that additional service and higher quality service are necessary. In addition, some residents have requested the Public Utilities Commission to undertake a study of the firm's rate structure.

There are primarily two organizations that represent residents of Casco Bay Islands. The Casco Bay Islands Development Association, composed of 1400 members from all the islands served by Casco Bay Lines and the Island Citizens Association, composed of 70 year-round residents of Peaks Island, are concerned about level of service and rate structures of the ferry service.

The Casco Bay Islands Development Association (CBIDA) requested the owners of Casco Bay Lines to implement 12 recommendations formulated by CBIDA to improve service. Casco Bay Lines has implemented 3 of the recommendations including cleaner facilities and better sanitary facilities. The organization has also requested the firm to give passengers preference over freight for transportation to the islands. In some cases passengers must stand while freight is stored on passenger seats.

While the CBIDA has attempted to increase passenger comfort, the organization has also focused upon rates and rate structures. According to the association, higher rates will reduce passenger use and thereby jeopardize the firm's revenues. In addition, the rate structure is inequitable. For example, it costs \$4.20 to transport an automobile from Portland to Peaks Island. It costs \$21.85 to transport an automobile from Portland to Long Island which is twice the distance from Portland to Peaks Island but 5 times the cost. It costs \$7.85 to ship a ton of coal on the ferry, but it costs \$93.00 to ship a ton of crackers.

Another criticism of CBIDA is that rate increases are applied "across the board" to passengers and all types of freight. According to association spokesmen, rate increases should not be applied in their entirety to essential goods etc..

Level of service is another area in which CBIDA has requested improvement. This organization points out that Peaks Island receives adequate service at the present time, but some of the other islands could use another ferry one or two days during the week in the morning between 8:00 and 9:00 A.M..

The Island Citizens Association concentrates its attention upon additional transportation services for Peaks Island. This organization supported the "small boat bill" and the transit district bill submitted to the First Regular Session of the 108th Legislature. These bills respectively would enable other private carriers to operate in Casco Bay and provide a transportation system owned and operated by residents of the islands.

In the opinion of the Island Citizens Association, additional service between the islands and the Portland mainland could be provided if the firm were more efficient, and accommodating. Spokesmen for the ICA point out that the vessels are capable of transporting as many as 250-300 people, but as few as 12 or 15 people use the vessels on some trips. In their opinion, small vessels would be more economical to operate. The ICA also charges that the Bailey Island tourist vessel lies idle for nearly 9 months, and the residents of the Casco Bay Islands must pay for the maintenance of this vessel.

The Island Citizens Association is specifically concerned about the lack of ferry service during hours in the middle of the day and after 10:00 A.M. during the winter months. The ICA would also like additional service on Sundays and holidays.

### 3. Proposals to Improve Ferry Service

There are several solutions to the problem concerning the level of service to and from the Casco Bay Islands.

- a. Additional service by Casco Bay Lines
- b. Additional service by other private carriers
- c. Subsidization of the service by the City
- d. Public ownership and operation of the ferry services
- e. Creation of a Transit District

a. Casco Bay Lines - Additional Service

One alternative is to direct Casco Bay Lines (CBL) to provide more service to the islands to be funded by user fees. This alternative could be implemented by reporting the Legislature's findings to the Public Utilities Commission. The Commission could direct CBL to implement additional service and establish rates to cover the cost of service.

b. Additional Service by other Private Carriers

A second alternative is to permit other private carriers to provide service in addition to the service of Casco Bay Lines. Additional service could be permitted during the hours in which Casco Bay Lines does not operate or it could be limited to the period from 12:00 P.M. to 5:00 A.M.. In the first case, Casco Bay Lines and other private carriers would operate throughout the day, but at different times. The possibility exists, however, that other private carriers could adversely affect Casco Bay Lines and thereby jeopardize its service.

In the second case, private carriers may not adversely affect the operation of Casco Bay Lines. The additional carriers would operate in a period when Casco Bay Lines has no scheduled service which could be siphoned away to other carriers. Nevertheless, enforcement of this alternative may be impossible.

The Casco Bay Islands Development Association opposes any alternative that may divert traffic from Casco Bay Lines to other private carriers. The association fears that the ferry service would increase in price beyond a reasonable level for users and service would be jeopardized.

c. Subsidization of ferry service by the City of Portland

Another alternative is for the City of Portland to subsidize Casco Bay Lines (CBL) to provide a greater level of service. Up to this point, the City of Portland has been unwilling to share ferry service costs with the firm. In 1961, the City Council refused to consider a request from CBL for a \$10,000 appropriation to subsidize service between the Islands and the Mainland. One city official points out that the same policy exists today.

Subsidization of ferry service is based on the premise that the city of Portland must share some degree of responsibility for transportation between the islands and the mainland. In addition, a city subsidy to CBL is based upon the condition that the firm cannot provide additional service without increasing user fees beyond a reasonable point.

The Casco Bay Islands Development Association endorses a municipal subsidy. According to this association, the city subsidizes bus service, and ferry service is as important as bus service.

d. Subsidization of ferry service by the State

A fourth alternative is state subsidization of Casco Bay ferry service. This alternative is based on the premise that adequate ferry service is too costly for the firm, the city and the users. Since the residents of the islands are citizens of the State, the state shares some responsibility for ensuring ferry service between the islands and the mainland.

Another basis for a state subsidy to Casco Bay Lines is state ownership and operation of ferry services to a number of islands in Penobscot Bay and along other parts of the Maine coast. Casco Bay is the only section of the Maine coast where a private firm provides ferry service for island residents. Fifty percent of the cost of Ferry Service to Maine's coastal islands, except in Casco Bay, is subsidized by the State.

e. Creation of a Transit District

Another alternative is the creation of a transit district. According to this proposal, introduced during the 108th Legislature, for a transit district, the residents of the Casco Bay Islands would be given the authority to purchase the ferry service and operate it as a quasi-public corporation similar to a water district. It would have the authority to issue bonds, purchase property, and charge fees, although some residents of the islands have expressed an interest in a ferry service owned and operated by the islands residents.

2. Docking and Landing Facilities

Ferry Service between the Casco Bay Islands and the city of Portland depends, in part, upon the conditions of available docking and landing facilities. The facilities for the car and freight ferries are inadequate. Within a short period of time, the weight limit for the car and freight pier and transfer bridge has dropped from 10 tons to 3 tons. The 3 ton limit prohibits the use of some snow removal vehicles on the pier. As a result of the deteriorating condition of Portland Pier, car and freight service to and from the islands may be limited or terminated.

The City of Portland appropriated \$177,000 to repair Portland Pier, but it is not sufficient to restore the pier to full service. Repair of the Pier will cost in excess of \$500,000.

If the pier is completely restored, according to city officials, the facilities will not be sufficient for the ferry service to the islands. As a result, the City of Portland contracted with a consulting firm, Parsons, Brinkerhoff, Quade & Douglas of Boston to study the feasibility of constructing a new facility in a new location that would be adequate to meet present and future demand.

If a new facility is economically feasible, the city will apply for urban mass transit funds or other federal funds to construct a new wharf, transfer bridge, terminal facility, and parking area. The funds may or may not be available on a 80/20 matching basis. If the new facility costs \$2,000,000, the City of Portland will have to provide \$400,000 to be matched with the federal funds. The State has appropriated \$124,000 via a bill sponsored by Representative Edith Beaulieu during the First Regular Session of the 108th Legislature, for a new site for the wharf; and the city, therefore, will have to raise \$276,000.

In the event that federal funds are not available or the cost is estimated to be \$4,000,000 or more, a new facility will not be economically feasible. The city of Portland would then consider repair of the present pier.

According to the owners of Casco Bay Lines, new facilities will permit the Company to increase the level of service between the islands and the Portland mainland.

#### Conclusion - Committee Majority

Casco Bay Lines, a privately owned ferry service provides ferry service between the islands in Casco Bay and the Portland mainland. At the present time, the total cost of transportation between the islands and the mainland is the responsibility of the residents of the islands. Although one organization, representing some of the residents of one of the islands considers the service inadequate and indifferent, ferry service between the islands and the mainland significantly exceeds the minimum level of essential service established by the Public Utilities Commission and is as efficient as conditions permit. Furthermore, water transportation poses unique problems for commuter service that does not permit the same level of service that a land transportation system can provide.

The proposal to permit "small boat" owners to transport residents of the Casco Bay Islands between the islands and the mainland will have a detrimental effect on present ferry service and thereby jeopardize a regular scheduled service. The proposal to create enabling legislation to permit residents of the islands to purchase and operate Casco Bay Lines is unnecessary. The residents have not conducted a feasibility study to determine their ability to own and operate a ferry service.

Since the existing transportation system and service meets the approval, for the most part, of the residents of the islands, any additional service can be provided by Casco Bay Lines. If the service becomes inadequate or if the cost of service becomes unreasonable, the City of Portland has the obligation to insure its citizens residing on the islands adequate service at reasonable cost. By means of subsidies or municipal ownership and operation, the City of Portland can improve or reduce the cost of service between the islands and the mainland.

If municipal subsidies to the ferry company and if municipal ownership and operation of ferry services in Casco Bay exceed the financial capability of the City, the State has the obligation to provide its citizens in Casco Bay with adequate transportation service at reasonable cost.

## Conclusion-Minority Report of the Committee

At the present time, the residents of the islands in Casco Bay bear the financial responsibility for ferry service between the mainland and the islands. The service, however, does not address many of the individual needs of the residents. By means of a minor loosening of the existing monopoly, small boat owners, primarily engaged in non-ferry activity, (and restricted in the number of passengers and time of operation) could significantly improve odd-hour service for those in need, yet have no adverse impact on C.B.L..

Anyone using a small boat will clearly have to pay several times the C.B.L. rate, yet make the trip in considerably less comfort. For this reason, it would seem logical that anyone using a small boat will use it only when absolutely necessary and certainly only one way, except in extreme emergencies. For the other trip, C.B.L. will be used. In this way, C.B.L. will actually improve, to a minor degree, the number of fares carried by increasing the overall traffic. In addition, if odd hour service proves to be feasible, C.B.L. will certainly move in, provide service and pre-empt all others.

In addition, this alternative requires neither municipal or state ownership/operation of the service.

January 19, 1978

LEGISLATION PROPOSED BY THE MINORITY OF THE  
COMMITTEE ON TRANSPORTATION

STATE OF MAINE  
108TH LEGISLATURE  
SECOND REGULAR SESSION

AN ACT To Provide Residents of the Islands In Casco Bay  
With Additional Transportation Service

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

Sec. 1. MRSA c. 45 is enacted to read:

CHAPTER 45  
TERMINATION OF STATUTORY PROVISIONS OF  
PRIVATE AND SPECIAL LAWS

§4501. Repeal of Statutory Provisions

The following statutory provisions are repealed on the dates  
set forth in this section:

1. Private and Special Laws

A. Private and Special Law 1885, c. 495, §10-A shall  
be repealed on June 30, 1980.

§4502. Committee Reports

Any legislative committee having jurisdiction over a statutory  
provision listed in section 4501 shall prepare and submit to the  
Legislature, within 30 legislative days after the convening of the  
last regular session prior to the date set out in section 4501 for  
repeal of that provision, a report evaluating the advisability of  
retaining the statutory provision.

§4503. Contents of report

A report prepared pursuant to section 4502 shall include:

1. Past effectiveness. An evaluation of the past effective-  
ness of the statutory provision;

2. Future need. An evaluation of the future need for the  
statutory provision;

3. Alternative methods. An examination of alternative methods of attaining the purpose of the provision;

4. Cost of retention. An estimate of the cost of retaining the provision; and

5. Recommendation. A recommendation of the committee as to the amendment, repeal, replacement or retention of the provision.

Sec. 2. P&SL 1885, c. 495, §10, 1st¶, as last repealed and replaced by P&SL 1963, c. 174, §1, is repealed and the following enacted in place thereof:

No person, firm, corporation or other transportation company shall undertake, whether directly, by lease or by any other arrangement, to transport 7 or more passengers or property by vessel, whether by steam or power or otherwise propelled, for compensation, between the mainland of Cumberland County and Peak's Island, Great Diamond Island, Little Diamond Island, Long Island, Chebeague Island, Bailey Island and Cliff Island, or between said islands, without obtaining a permit of public convenience and necessity from the Public Utilities Commission authorizing such transportation.

Any vessel carrying 6 or less passengers for compensation may transport passengers between the islands or between the mainland and these islands designated in this section at any time, except that such vessels shall not transport passengers or their personal baggage between the mainland and these islands at times when an authorized vessel carrying 7 or more passengers for compensation from the mainland to these islands and from these islands to the mainland is scheduled to depart to the same destination within 2 hours.

The commission shall specify in the permit granted to vessels carrying 7 or more passengers for compensation the business and operation of the carrier covered thereby, and the scope thereof,

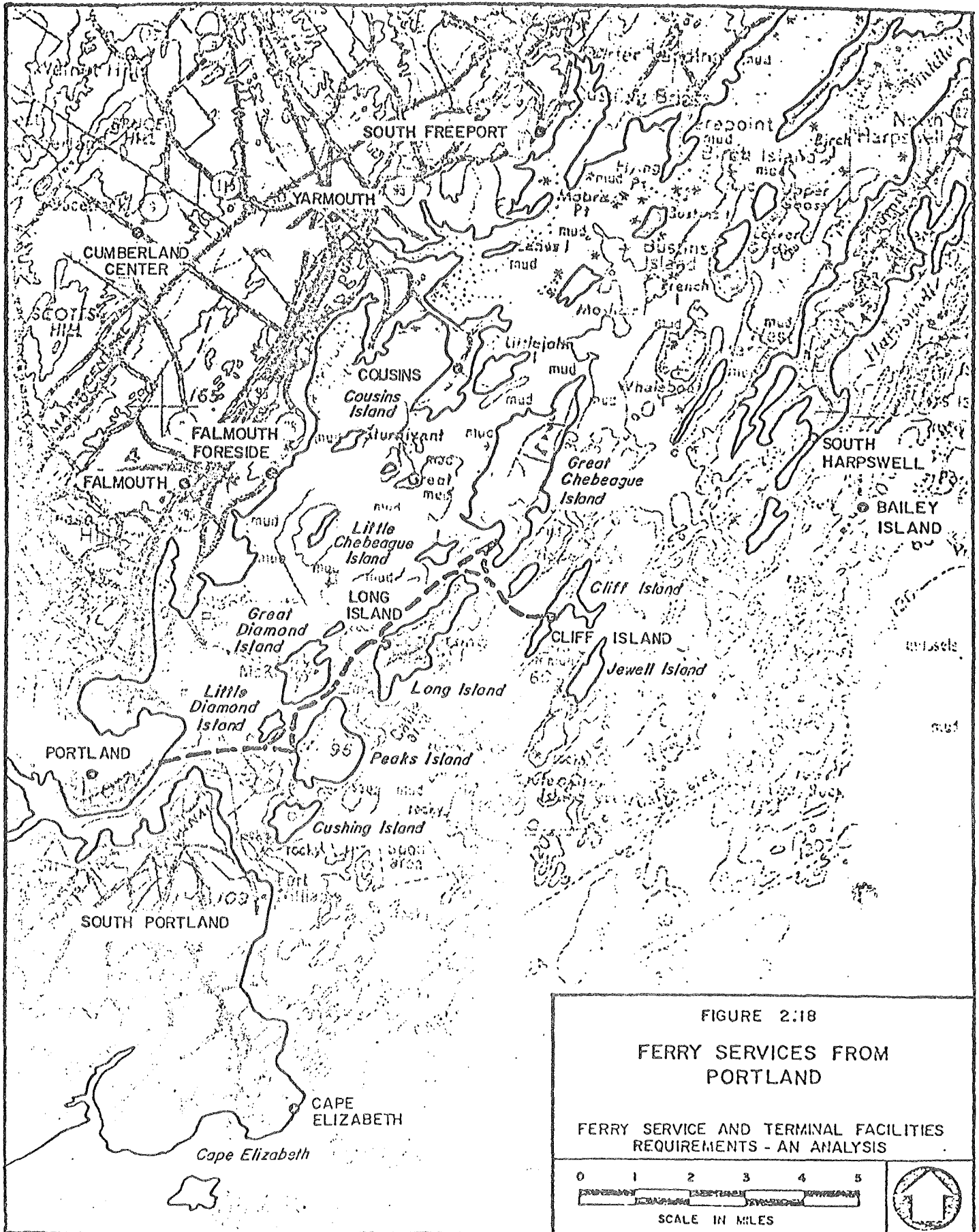
and shall attach to it, at the time of issuance and from time to time thereafter, such reasonable terms, conditions and limitations as it may deem necessary to maintain adequate transportation to said islands. Any person, firm or corporation once obtaining a permit under this section shall be subject to all the provisions of the Revised Statutes, chapter 44, as amended, so far as applicable and to such orders, rules and regulations as shall be adopted and promulgated by the commission under the authority of said chapter. All authorized carriers shall maintain safe and adequate service to the islands of Casco Bay under rules and regulations promulgated by the Public Utilities Commission as to rates, schedules and safety. The power and authority conferred upon the Public Utilities Commission in the Revised Statutes, chapter 44, section 8 is made applicable to this section, but shall not apply to vessels transporting 6 or less passengers as provided in this section.

#### STATEMENT OF FACT

This bill will allow individual residents of Casco Bay Islands additional transportation while insuring that the economic viability of the existing ferry service is not jeopardized. This additional service would be allowed only during periods during which it is clearly not economically feasible for the regular ferry to operate. In addition, this limited service would be limited to a maximum of six passengers.

This bill also provides a two year limitation on the operation of small private vessels for hire in Casco Bay. During this two year period, the effects of the additional carriers on the operation of Casco Bay Lines will be calculated, and the appropriate measures can be adopted at the end of this period.

# APPENDIX



January 19, 1978

LEGISLATION PROPOSED BY THE MINORITY OF THE  
COMMITTEE ON TRANSPORTATION

STATE OF MAINE  
108TH LEGISLATURE  
SECOND REGULAR SESSION

AN ACT To Provide Residents of the Islands In Casco Bay  
With Additional Transportation Service

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

Sec. 1. MRSA c. 45 is enacted to read:

CHAPTER 45  
TERMINATION OF STATUTORY PROVISIONS OF  
PRIVATE AND SPECIAL LAWS

§4501. Repeal of Statutory Provisions

The following statutory provisions are repealed on the dates  
set forth in this section:

1. Private and Special Laws

A. Private and Special Law 1885, c. 495, §10-A shall  
be repealed on June 30, 1980.

§4502. Committee Reports

Any legislative committee having jurisdiction over a statutory  
provision listed in section 4501 shall prepare and submit to the  
Legislature, within 30 legislative days after the convening of the  
last regular session prior to the date set out in section 4501 for  
repeal of that provision, a report evaluating the advisability of  
retaining the statutory provision.

§4503. Contents of report

A report prepared pursuant to section 4502 shall include:

1. Past effectiveness. An evaluation of the past effective-  
ness of the statutory provision;

2. Future need. An evaluation of the future need for the  
statutory provision;

3. Alternative methods. An examination of alternative methods of attaining the purpose of the provision;

4. Cost of retention. An estimate of the cost of retaining the provision; and

5. Recommendation. A recommendation of the committee as to the amendment, repeal, replacement or retention of the provision.

Sec. 2. P&SL 1885, c. 495, §10, 1st¶, as last repealed and replaced by P&SL 1963, c. 174, §1, is repealed and the following enacted in place thereof:

No person, firm, corporation or other transportation company shall undertake, whether directly, by lease or by any other arrangement, to transport 7 or more passengers or property by vessel, whether by steam or power or otherwise propelled, for compensation, between the mainland of Cumberland County and Peak's Island, Great Diamond Island, Little Diamond Island, Long Island, Chebeague Island, Bailey Island and Cliff Island, or between said islands, without obtaining a permit of public convenience and necessity from the Public Utilities Commission authorizing such transportation.

Any vessel carrying 6 or less passengers for compensation may transport passengers between the islands or between the mainland and these islands designated in this section at any time, except that such vessels shall not transport passengers or their personal baggage between the mainland and these islands at times when an authorized vessel carrying 7 or more passengers for compensation from the mainland to these islands and from these islands to the mainland is scheduled to depart to the same destination within 2 hours.

The commission shall specify in the permit granted to vessels carrying 7 or more passengers for compensation the business and operation of the carrier covered thereby, and the scope thereof,

and shall attach to it, at the time of issuance and from time to time thereafter, such reasonable terms, conditions and limitations as it may deem necessary to maintain adequate transportation to said islands. Any person, firm or corporation once obtaining a permit under this section shall be subject to all the provisions of the Revised Statutes, chapter 44, as amended, so far as applicable, and to such orders, rules and regulations as shall be adopted and promulgated by the commission under the authority of said chapter. All authorized carriers shall maintain safe and adequate service to the islands of Casco Bay under rules and regulations promulgated by the Public Utilities Commission as to rates, schedules and safety. The power and authority conferred upon the Public Utilities Commission in the Revised Statutes, chapter 44, section 8 is made applicable to this section, but shall not apply to vessels transporting 6 or less passengers as provided in this section.

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