

# MAINE STATE LEGISLATURE

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# FIFTY-SECOND LEGISLATURE.

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HOUSE.

No. 18.

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE.

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A BILL to establish a board of harbor commissioners.

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

SECTION 1. The governor, with the advice and consent of the council, shall, before the first day of April next, appoint five competent persons, who shall constitute a board of harbor commissioners, and who shall hold their offices from the dates of their respective appointment, and for the terms of one, two, three, four and five years, respectively, from the date of their appointment. The governor shall, in like manner, before the first day of April in every year, appoint a commissioner to continue in office for the term of five years from said day; and in case of any vacancy occurring in the board, by resignation or otherwise,

13 shall, in the same manner appoint a commissioner for  
14 the residue of the term, and may in the same manner  
15 remove any commissioner. And the compensation of  
16 each of said commissioners shall not exceed five dollars  
17 per day for time actually employed in the service of  
18 said commission.

SECT. 2. The board of harbor commissioners shall  
2 have the general care and supervision of all the  
3 harbors, tidal rivers and other tide-waters, from high  
4 water mark, and of all the flats and lands flowed  
5 thereby, within the State, in order to prevent and  
6 remove unauthorized encroachments and causes of  
7 every kind which are liable to interfere with the full  
8 navigation of said harbors and rivers, or in any way  
9 injure their channels, or cause any reduction of their  
10 tide-waters, and in order to protect and develop the  
11 rights and property of the state in said flats and lands.  
12 They may, from time to time, make such surveys,  
13 examinations and observations as they may deem  
14 necessary for said purpose in any harbor or other place  
15 under their supervision, and employ for these purposes  
16 competent engineers, and also employ such clerical  
17 and other assistance as they may think necessary.  
18 They shall have an office in Portland, where the  
19 maps, charts, and plans connected with the harbors  
20 and rivers, records of all their doings, and all docu-

21 ments relating to their business, shall be kept. Any  
22 three of said commissioners shall constitute a quorum  
23 for the transaction of all business.

SECT. 3. Whenever in the judgment of the said  
2 board of commissioners the public good requires, they  
3 may proceed to prescribe lines in any of the harbors  
4 and rivers of this State, beyond which no wharf, pier,  
5 boom or other structure shall be extended into such  
6 harbor or river, and shall report the same for the con-  
7 sideration of the legislature at its next session; *pro-*  
8 *vided however*, that said commissioners before drawing  
9 any such line shall appoint a convenient time and  
10 place for the hearing of all parties interested, and  
11 shall give notice thereof by publication three weeks  
12 successively in two or more newspapers, one of which  
13 is published in Portland, and one in the county where  
14 such harbor or river is situated, the first publication to  
15 be at least thirty days before the time of hearing.

SECT. 4. All persons that have been or may be  
2 authorized by the legislature to build over tide waters  
3 any bridge, wharf, boom, pier or dam, or to fill any  
4 flats, or to drive any piles below high water mark,  
5 who have not already begun such work, shall, before  
6 beginning it, give written notice to the harbor com-  
7 missioners of the work they intend to do, and submit  
8 plans of any proposed wharf or other structure, and of

9 the flats to be filed, and of the mode in which the  
10 work is to be performed ; and no such work shall be  
11 commenced until the plan and mode of performing the  
12 same shall be approved in writing by a majority of  
13 the said harbor commissioners. And the said com-  
14 missioners shall have power to alter the said plans at  
15 their discretion, and to prescribe the direction, limits,  
16 and mode of building the wharves and other struc-  
17 tures, to any extent that does not diminish or control  
18 the legislative grant ; and all such works shall be  
19 executed under the supervision of the commissioners.  
20 The amount of tide-water displaced by any structure  
21 or filling of flats hereafter authorized as aforesaid,  
22 shall be ascertained by the harbor commissioners, and  
23 they may in all cases where they deem it necessary,  
24 require the parties making the same to make a com-  
25 pensation therefor, either by excavating in some part  
26 of the same harbor where the work is performed,  
27 including tide-water channels between high and low  
28 water mark, to such an extent as to create a basin for  
29 as much tide-water as may be displaced by such  
30 structure or filling of flats, and the same shall be done  
31 under their direction, or by paying in lieu of perform-  
32 ing the work of dredging to restore the displaced tide-  
33 water a sufficient sum of money for making such  
34 compensation, or by improving the harbor in any other

35 mode to the satisfaction of the commissioners ; and  
36 all money thus paid shall be paid into the treasury of  
37 the State, and be reserved as a compensation fund for  
38 the harbor where such compensation is to be made,  
39 and used for that purpose under the direction of the  
40 commissioners : *provided*, that all dredging made for  
41 purposes of such compensation for displaced tide-  
42 water shall in no wise injure any existing channels,  
43 but as far as practicable shall be directed towards  
44 their permanent improvement.

SECT. 5. All erections and works hereafter made  
2 without authority from the legislature, or in any man-  
3 ner not sanctioned by the board of harbor commis-  
4 sioners, where their direction is required as herein-  
5 before provided, within tide-waters flowing into or  
6 through any harbor, and all erections and works  
7 outside of harbor lines as now established, shall be  
8 considered a public nuisance and liable to indictment  
9 as such. The board of harbor commissioners shall  
10 have power to order suits on behalf of the State to  
11 prevent or stop, by injunction or otherwise, any such  
12 erection or any other nuisance or obstruction to navi-  
13 gation, in any of the navigable rivers, or in any of  
14 the rivers or tide-waters which flow into or through  
15 any harbor in the state, or thus to prevent or stop the  
16 removal of any material from any bar or breakwater

17 of any such harbor ; and county attorneys within their  
18 counties shall commence and conduct such suit.

SECT. 6. The harbor commissioners are authorized  
2 and empowered, whenever they deem it necessary, to  
3 apply to congress for appropriations for protecting and  
4 improving any harbor or river in the state.

SECT. 7. No contracts shall be made and no acts  
2 done by said commissioners which involve the payment  
3 of any money from the treasury of the state, except  
4 as herein provided, without an appropriation expressly  
5 made by the legislature for that purpose. They shall  
6 keep an account of their actual services and expenses,  
7 to be allowed by the governor and council.

SECT. 8. Any person may build or extend any  
2 wharf or construct any pier, dam, sea-wall, bridge or  
3 other structure, fill any land or flats, or drive any  
4 piles in or over tide-water, below high water mark,  
5 within the line of riparian ownership, on any shore,  
6 and within whatever harbor lines there may be at the  
7 time established by law along such shore ; *provided*,  
8 the license of the board of harbor commissioners is  
9 first obtained.

SECT. 9. The commissioners shall report in print to  
2 the legislature annually, on or before the tenth day  
3 of January, their doings during the year preceding,  
4 and shall recommend such legislation as they deem

5 necessary for the preservation and improvement of the  
6 harbors and rivers and the promotion of the interest of  
7 the state connected therewith.

SECT. 10. All laws now in force which are in  
2 conflict with the above, or under which any local  
3 boards have been established for similar purposes, are  
4 hereby repealed from and after the first of April next.

SECT. 11. This act shall take effect when approved.



STATE OF MAINE.

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IN HOUSE OF REPRESENTATIVES, }  
January 31, 1873. }

Reported from the Committee on Federal Relations, by Mr.  
FESSENDEN, and ordered printed under the rules.

S. J. CHADBOURNE, *Clerk.*