

MAINE STATE LEGISLATURE

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FIFTY-FIFTH LEGISLATURE.

SENATE.

No. 25.

STATE OF MAINE.

The Committee on Commerce, to which was referred the Bill, entitled "An Act to establish a Board of Harbor Commissioners," have had the same under consideration, and ask leave to Report that the same be printed and recommitted.

Per order.

FRANKLIN L. CARNEY.

IN SENATE, Jan. 31, 1876.

Read and accepted.

S. W. LANE, *Secretary.*

STATE OF MAINE.

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

[S. 36.] AN ACT to establish a board of harbor com-
missioners.

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

SECTION 1. The governor, with the advice and con-
2 sent of the council, shall, before the first day of
3 ——— next, appoint five competent persons, who
4 shall constitute a board of harbor commissioners, and
5 who shall hold their offices from the dates of their
6 respective appointment, and for the terms of one, two,
7 three, four and five years, respectively, from the first
8 day of July next. The governor shall, in like manner,
9 before the first day of July in every year, appoint a
10 commissioner to continue in office for a term of five
11 years from said day ; and in case of any vacancy
12 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 commissioner.

SECT. 2. The board of harbor commissioners shall
2 have the general care and supervision of all the harbor
3 tidal rivers and other tide waters from high water
4 mark, and of all the flats and lands flowed thereby,
5 within the state, in order to prevent and remove un-
6 authorized encroachments and causes of every kind
7 which are liable to interfere with the full navigation
8 of said harbors and rivers, or in any way injure their
9 channels, or cause any reduction of their tide waters,
10 and in order to protect and develop the rights and
11 property of the state in said flats and lands. They
12 may, from time to time, make such surveys, exami-
13 nations and observations as they may deem necessary,
14 for said purpose, in any harbor or other place under
15 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 maps,
19 charts and plans connected with the rivers and harbors,
20 records of all their doings, and all documents relating
21 to their business, shall be kept.

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
15 to be at least thirty days before the time of hearing.

SECT. 4. All persons that have been or may be author-
2 ized by the legislature to build over tide waters any
3 bridge, wharf, boom, pier or dam, or to fill any flats,
4 or to drive any piles below high water mark, who have
5 not already begun such work, shall, before beginning
6 it, give written notice to the harbor commissioners of
7 the work they intend to do, and submit plans of any
8 proposed wharf or other structure, and of the flats to
9 be filled, and of the mode in which the work is to be
10 performed ; and no such work shall be commenced until
11 the plan and mode of performing the same shall be
12 approved in writing by a majority of the said harbor

13 commissioners. And the said commissioners shall have
14 power to alter the said plans at their discretion, and to
15 prescribe the direction, limits, and mode of building
16 the wharves and other structures, to any extent that
17 does not diminish or control the legislative grant; and
18 all such works shall be executed under the supervision
19 of the commissioners. The amount of tide water dis-
20 placed by any structure or filling of flats hereafter
21 authorized as aforesaid, shall be ascertained by the
22 harbor commissioners, and they shall, in all cases affect-
23 ing the harbor of Portland, and in cases affecting other
24 harbors, if they shall deem it necessary, require the
25 parties making the same, to make compensation there-
26 for, either by excavating in some part of the same
27 harbor where the work is performed, including tide
28 water channels between high and low water mark, to
29 such an extent as to create a basin for as much tide
30 water as may be displaced by such structure or filling
31 of flats, and the same shall be done under their direc-
32 tion, or by paying in lieu of performing the work of
33 dredging to restore the displaced tide water a sufficient
34 sum of money for making such compensation, or by
35 improving the harbor in any other mode to the satis-
36 faction of the commissioners; all the money thus paid
37 shall be paid into the treasury of the state, and be re-
38 served as a "compensation fund" for the harbor where

39 such “compensation” is to be made, and used for that
40 purpose under the direction of the commissioners;
41 *provided*, that all dredging made for purposes of such
42 “compensation” for displaced tide waters shall in no
43 wise injure any existing channels, but as far as prac-
44 ticable shall be directed towards their permanent im-
45 provement.

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 commission-
4 ers, where their direction is required as hereinbefore
5 provided, within tide waters flowing into or through
6 any harbor, and all erections and works outside of har-
7 bor lines as now established, shall be considered a pub-
8 lic nuisance and liable to indictment as such. The
9 board of harbor commissioners shall have power to
10 order suits on behalf of the state to prevent or stop,
11 by injunction or otherwise, any such erection or any
12 other nuisance or obstruction to navigation, in any of
13 the navigable rivers, or in any of the rivers or tide
14 waters which flow into or through any harbor in the
15 state, or thus to prevent or stop the removal of any
16 material from any bar or breakwater of any such har-
17 bor; and the attorney general and county attorneys
18 within their counties shall commence and conduct such
19 suits.

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 contract 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 as
4 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. The commissioners shall report in print to
2 the legislature annually, on or before the tenth day of
3 January, their doings during the year preceding, and
4 shall recommend such legislation as they deem neces-
5 sary for the preservation and improvement of the har-
6 bors and rivers, and the promotion of the interest of
7 the state connected therewith.