

# MAINE STATE LEGISLATURE

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# SEVENTY-THIRD LEGISLATURE

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HOUSE.

No. 499

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND SEVEN.

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AN ACT to create a Board of Harbor Commissioners for the  
city of South Portland.

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

Section 1. All those portions of the tidal waters of Casco  
2 bay lying within the territorial limits of the city of South  
3 Portland are hereby established as the harbor of the city of  
4 South Portland and shall be subject to the control and regu-  
5 lation of the commissioners hereinafter named.

Sect. 2. Such portion of the bounds of Portland harbor,  
2 as were established by the provisions of chapter 654 of the  
3 Private and Special Laws of 1856 as amended by chapter  
4 30 of the Private and Special Laws of 1895 and by the pro-  
5 vision of chapter 554 of Private and Special Laws of 1874  
6 and acts additional to and amendatory thereof and are within

7 the territorial limits of the city of South Portland shall be  
8 known as the harbor lines of South Portland until otherwise  
9 changed by law.

Sect. 3. No wharf or incumbrance of any kind shall here-  
2 after be erected or extended into said harbor of South Port-  
3 land beyond either of said lines; and no wharf, erection,  
4 incumbrance, alteration or enlargement of any wharf, erec-  
5 tion or incumbrance heretobefore made, built or erected,  
6 shall hereafter be made between the lines of South Portland  
7 harbor, as herein established, and high water mark, without  
8 the written permission of the commissioners of the harbor  
9 and tidal waters of the city of South Portland, therein  
10 describing the extent and character of the work so permitted;  
11 such permission by them subscribed shall be left with the  
12 clerk of the city of South Portland, to be by him recorded,  
13 before such work shall be commenced. Before granting  
14 such permission said harbor commissioners shall be entitled  
15 to receive from the party or parties interested in and desir-  
16 ing such permission, reasonable compensation for the ser-  
17 vices of the commissioners while actually engaged in investi-  
18 gating the matter and preparing said permit. No stones or  
19 other materials shall be deposited in said harbor. No land  
20 within the same covered by water shall be removed without  
21 the written permission of the commissioners hereafter  
22 named. No erection, incumbrance or material shall here-  
23 after be placed or deposited in the waters of South Portland  
24 harbor which will obstruct the flow and ebb of those waters

25 or diminish the volume thereof, without the written permis-  
26 sion of said harbor commissioners to be given, granted and  
27 recorded as above provided. Any obstruction, deposit or  
28 incumbrance or any wharf erection, alteration or enlarge-  
29 ment of the same made contrary to these provisions shall be  
30 deemed a public nuisance and liable to abatement.

Sect. 4. Any person who shall offend against any of the  
2 provisions of this act, shall be deemed guilty of a misde-  
3 meanor, and liable to prosecution therefor, by indictment in  
4 any court of competent jurisdiction; and on conviction, to  
5 be punished by a fine not exceeding five hundred dollars;  
6 and he may also be sentenced to pay all expenses for an  
7 abatement or removal of such erection, obstruction or deposit  
8 made by him, and to stand committed until he shall pay the  
9 same, or give satisfactory security therefor.

Sect. 5. The governor shall nominate, and with the advice  
2 and consent of the council, appoint three persons commis-  
3 sioners of the harbor and tidal waters connected therewith  
4 of the city of South Portland. One of those first appointed  
5 shall continue in office one year; one for two, and the other  
6 for three years. At the expiration of each person's term of  
7 service, the same or another person shall in like manner be  
8 appointed to serve for three years. When a vacancy shall  
9 happen by death, resignation or removal from the state,  
10 another person shall in like manner be appointed in his place  
11 to continue in service to the end of his term.

Sect. 6. The commissioners shall be entitled to receive  
2 from the city of South Portland such sums as the city coun-  
3 cil thereof may determine, as compensation for services  
4 actually performed and the payment of which is not other-  
5 wise herein provided for.

Sect. 7. All acts relating to the Portland harbor commis-  
2 sioners and Portland harbor and tidal waters connected  
3 therewith so far as they relate to the waters within the terri-  
4 torial limits of the city of South Portland are repealed hereby  
5 but nothing herein contained shall be held to limit or restrict  
6 the power of the commissioners of Portland harbor except  
7 within said territorial limits of South Portland.

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STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, March 12, 1907.

Reported by Mr. WALDRON from Committee on Judiciary, and  
ordered printed under joint rules.

E. M. THOMPSON, *Clerk.*