

# MAINE STATE LEGISLATURE

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SEVENTY-SEVENTH LEGISLATURE

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SENATE

NO. 13

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*In Senate, January 27, 1915.*

*Ordered, That one thousand copies be printed and that the same be referred to the Committee on Railroads and Expresses.*

*Committee on Reference.*

*Presented by Mr. Murphy of Cumberland.*

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STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND FIFTEEN

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AN ACT to incorporate the Portland Traffic District.

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

Section 1. The territory and people constituting the city  
2 of Portland and the city of South Portland shall constitute  
3 a public municipal corporation under the name of the Port-  
4 land Traffic District for the purpose of operating and con-  
5 trolling the transportation of passengers and merchandise  
6 within the cities of Portland, South Portland and West-  
7 brook and the town of Scarborough, including the waters  
8 therein or contiguous thereto and for the storage and dis-  
9 tribution of merchandise, and the improvement of the har-

10 bors of said Portland and South Portland, also the policing  
11 thereof.

Sect. 2. The said district, for the purposes of its incor-  
2 poration, is hereby authorized to take (by purchase, right  
3 of eminent domain, hire or otherwise), hold, use, let, or  
4 lease such real and personal property as may be necessary  
5 or incidental thereto.

Sect. 3. Said district, for the purposes of its incorpora-  
2 tion is hereby authorized to acquire, construct, maintain,  
3 operate, let or lease railroads, railways, boats or vessels,  
4 piers, docks (including a dry dock), storage yards and pub-  
5 lic warehouses, freight and passenger terminals and con-  
6 veiances, including ferries.

Sect. 4. Said district is authorized to grade and surface  
2 suitably any railroad location or traffic ways which it may  
3 own, operate over or control, and to carry said railroads or  
4 ways over or under any railroad or railway location or  
5 public way in order to eliminate crossings at grade.

Upon application to the district, any railroad company that  
7 now reaches or may hereafter reach said Portland, South  
8 Portland, Westbrook, or Scarborough, either by its own  
9 rails or under trackage or traffic contract or agreement with  
10 any other railroad company, shall, upon reasonable terms  
11 be provided by the district with a track connection serving  
12 its transportation and storage facilities.

Sect. 5. In exercising any right of eminent domain con-  
2 ferred upon it by law, from time to time, or any rights of

3 eminent domain through or under the franchises of any  
4 company by it acquired, the said district shall file in the  
5 office of the county commissioners of Cumberland county  
6 and record in the registry of deeds in said county plans of  
7 the location of all lands or interests therein or water ways  
8 to be taken, with an appropriate description and the names  
9 of the owners thereof, if known. When for any reason  
10 the district fails to acquire the property authorized to be  
11 taken, and which is described in such location, or the loca-  
12 tion recorded is defective or uncertain, it may, at any time,  
13 correct and perfect such location and file a new description  
14 thereof, and in such case the district is liable in damages  
15 only for property for which the owner had not previously  
16 been paid, to be assessed as of the time of the original  
17 taking, and the district shall not be liable for any acts which  
18 would have been justified if the original taking had been  
19 lawful. No entry shall be made on any private lands, ex-  
20 cept to make surveys, until the expiration of ten days from  
21 such filing, whereon possession may be had of all said lands  
22 or interests therein or water ways so taken, but title thereto  
23 shall not vest in said district until payment therefor.

Sect. 6. If any person, sustaining damages by any taking  
2 as aforesaid, shall not agree with said district upon the sum  
3 to be paid therefor, either party, upon petition to the county  
4 commissioners of Cumberland county, may have said dam-  
5 ages assessed by them; the procedure and all subsequent

6 proceedings and right of appeal thereon shall be had under  
7 the same restrictions, conditions and limitations as are or  
8 may be by law prescribed in the case of damages by the  
9 laying out of highways.

Sect. 7. In case of any crossing of a railroad, unless con-  
2 sent is given by the company owning or operating such rail-  
3 road as to place, manner and conditions of the crossing,  
4 within thirty days after such consent is requested by said  
5 district, the public utilities commission shall determine the  
6 place, manner and condition of such crossing; and all work  
7 within the limits of such railroad location shall be done un-  
8 der the supervision and to the satisfaction of such public  
9 utilities commission, but at the expense of the district.

Sect. 8. All the affairs of said district shall be managed  
2 by a board of directors composed of five members; two of  
3 whom shall be the mayors of Portland and South Portland  
4 and the other three shall be elected by the city of Portland  
5 in the manner hereinafter provided.

Sect. 9. The trustees so to be elected shall be elected by  
2 a plurality vote of the legal voters in said Portland voting  
3 at an election to be specially called and held therefor on the  
4 fourth Monday of May, nineteen hundred and fifteen. Such  
5 special election shall be called, advertised and conducted  
6 according to the law relating to municipal elections in said  
7 city, except as otherwise provided herein, provided, how-  
8 ever, that the board of registration in said city shall not

9 be required to prepare for posting or the city clerk to post  
10 a new list of voters but for the purpose of registration of  
11 voters said board shall be in session the three secular days  
12 next preceding such election, the first two days thereof to  
13 be devoted to registration of voters and the last day to  
14 enable the board to verify the corrections of said list and  
15 to complete and close up its records of said sessions. All  
16 nominations of candidates so to be voted for shall be made  
17 by nomination papers signed in the aggregate for each can-  
18 didate by no less than fifty qualified voters of the city of  
19 Portland. Each voter signing a nomination paper shall  
20 make his signature in person, and add to it his place of  
21 residence, and each voter may subscribe to as many nomi-  
22 nations as there are directors to be elected and no more.  
23 Such nomination papers shall, before being filed, be sub-  
24 mitted to the city clerk, who shall forthwith certify thereon  
25 what number of the signatures are names of qualified voters  
26 in said city; one of the signers to each such separate paper  
27 shall swear to the truth thereof, and the certificate of such  
28 oath shall be annexed to or made upon the nomination pa-  
29 pers. Such nomination papers shall be filed with the city  
30 clerk at least seven days, exclusive of Sundays, previous  
31 to the day of such election. With such nomination papers  
32 shall also be filed the consent in writing of the person or  
33 persons nominated. All nomination papers, being filed and  
34 being in apparent conformity with the foregoing provisions,  
35 shall be deemed to be valid; and if not in apparent con-

36 formity, they may be seasonably amended under oath. In  
37 case any candidate who has been duly nominated under the  
38 provisions hereof shall die before the day of election, or  
39 shall withdraw in writing, the vacancy may be supplied in  
40 the manner herein provided for such nominations. The  
41 name so supplied for the vacancy shall, if the ballots have  
42 not been printed, be placed on the ballots instead of the  
43 original nomination; or, if the ballots have been printed,  
44 new ballots containing the new nomination shall, if prac-  
45 ticable, be furnished, or slips containing the new nomina-  
46 tion shall be printed under the direction of the city clerk,  
47 which may be pasted in proper place upon the ballots and  
48 thereafter shall become part and parcel of said ballots as  
49 if originally printed thereon. The ballot shall contain the  
50 names of all candidates so nominated printed in one column  
51 under the heading, "For Directors of the Portland Traffic  
52 District." Above such heading shall be printed "Vote for  
53 three, or such number as may be appropriate, directors.  
54 Make a cross to the right of each name voted for." As  
55 many blank spaces shall be left after the names of the can-  
56 didates as there are directors to be elected, in which  
57 the voter may paste on or by writing insert the name or  
58 names of any person or persons for whom he desires to  
59 vote. In preparing his ballot the voter shall mark a cross  
60 (X) against and to the right of such names on said ballots  
61 as he desires to vote for, not to exceed the number of di-

62 rectors so to be elected. If the voter shall desire to vote  
63 for any person or persons whose name or names are not to  
64 be printed on the ballot, he may fill in such name or names  
65 in the blank spaces left therefor by writing the same there-  
66 in or by using a sticker or stickers containing such new  
67 name or names. Where the voter so adds by writing or  
68 by sticker such new name or names, his vote for such new  
69 name or names shall be counted therefor although he may  
70 fail to mark a cross against the same. The result of such  
71 election shall be declared by the municipal officers and due  
72 certificate thereof filed with the city clerk. The term of  
73 office of the directors shall begin on the said fourth Mon-  
74 day of May. As soon as convenient after all the members  
75 of said board have been so chosen, said directors shall hold  
76 a meeting at the room of the board of aldermen in the city  
77 of Portland to be called by the mayor of Portland upon  
78 such reasonable notice therefor as he deems proper. They  
79 shall organize by the election of a president and a clerk,  
80 adopt a corporate seal and when necessary may choose a  
81 treasurer and all other needful officers and agents for the  
82 proper conduct and management of the affairs of said dis-  
83 trict. They may also ordain and establish such by-laws as  
84 are necessary for their own convenience and the proper  
85 management of the affairs of the district. At said first  
86 meeting the directors so elected shall determine by lot the  
87 term of office of each director elected as such so that one



88 director shall retire each year and whenever the term of  
89 office of a director expires his successor shall be elected by  
90 a plurality vote by the city which elected him and upon  
91 nomination made as herein provided for the first election  
92 of directors and for the purpose of such election, a special  
93 election shall be called and held on the fourth Monday of  
94 May in each year, the same to be called in the manner here-  
95 tofore provided for the first election of directors. The  
96 directors so elected shall serve the full term of three years ;  
97 and in case any vacancy arises in the membership of the  
98 board of directors it shall be filled in like manner, for the  
99 unexpired term, by special election to be called by the mu-  
100 nicipal officers of the city. When any director ceases to  
101 be a resident of the city of Portland he vacates such office  
102 of director and the vacancy shall be filled as aforesaid.  
103 All such directors shall be eligible to re-election, but no  
104 person holding a municipal office shall be eligible to elec-  
105 tion as director. Said directors may procure an office and  
106 incur such expenses as may be necessary. They shall keep  
107 themselves thoroughly informed as to the present and prob-  
108 able future requirements of steamships, shipping and rail-  
109 ways, and as to the best means which can be provided at  
110 the port of Portland (and South Portland) for the accom-  
111 modation of the steamships, railroads, warehouses and in-  
112 dustrial establishments. Each member shall receive in full  
113 compensation for his services an allowance of four hun-

114 dred dollars per annum. At the close of each fiscal year  
115 the directors shall make a detailed report of their doings,  
116 of the receipts and expenditures of said traffic district, of  
117 its financial and physical condition, and of such other mat-  
118 ters and things pertaining to said district as shall show  
119 the inhabitants of said district how said directors are ful-  
120 filling the duties and obligations of their trust, such reports  
121 to be made and filled with the municipal officers of the  
122 cities composing the district.

Sect. 10. Said traffic district is hereby authorized and  
2 empowered to acquire by purchase or by the exercise of  
3 the right of eminent domain, which right is hereby express-  
4 ly delegated to said district for said purpose, the entire  
5 plants, properties, franchises, rights and privileges (or such  
6 parts thereof as may be deemed advisable by the directors)  
7 of any and all persons, firms or corporations engaged with-  
8 in said Portland, South Portland, Westbrook or Scarborough  
9 in any line of business covered by the purposes of this  
10 incorporation except their cash assets, including all stocks  
11 in other companies, lands, buildings, waters, water rights,  
12 machinery, fixtures and all apparatus and appliances owned  
13 or operated by said persons, firms or companies. Said  
14 companies are hereby authorized to sell and transfer their  
15 respective franchises and properties to said traffic district.  
16 Said franchises and properties may (if deemed advisable  
17 by the directors) be taken subject to debenture bonds, mort-

18 gages, liens and encumbrances thereon, which debenture  
19 bonds, mortgages, liens and encumbrances shall be assumed  
20 and paid by said Portland Traffic District.

Sect. 11. Said district is hereby authorized to acquire the  
2 interest of any of said persons, firms or companies in and  
3 to any and all sinking funds existing at the time of acquir-  
4 ing their respective plants, properties or franchises, to se-  
5 cure the payment of any outstanding obligations assumed  
6 by said district because of the provisions of this act; and  
7 the fair value of the same shall be determined as per sec-  
8 tions five and six of this act, making changes necessitated  
9 by the nature of the property involved.

Sect. 12. Where the directors fail to agree with any of  
2 the persons, firms or companies upon terms of purchase  
3 then said district through its directors is hereby authorized  
4 to take all the plants, properties and franchises or parts  
5 thereof of such persons, firms or companies so failing to  
6 agree, subject, however, to all mortgages, liens and encum-  
7 brances thereon, as stated in section ten, as for public uses,  
8 by a petition therefor in the manner provided in sections  
9 five and six of this act, making changes as necessitated by  
10 the nature of the property involved. The respective valu-  
11 ations of the plants, properties and franchises or parts there-  
12 of so taken of said persons, firms or companies as described  
13 in section ten of this act, shall be fixed at what they are  
14 fairly and equitably worth, so that said persons, firms or  
15 companies shall severally receive just compensation for the

16 same; in fixing such compensation due consideration shall  
17 be given to the prospective profit or loss on existing con-  
18 tracts.

Sect. 13. All valid contracts existing between said per-  
2 sons, firms or companies, depending on property or fran-  
3 chises taken hereunder, and any other persons, firms or  
4 companies shall be assumed and carried out by said Port-  
5 land Traffic District.

Sect. 14. For accomplishing the purpose of this act, said  
2 traffic district, through its directors, is authorized to bor-  
3 row money temporarily and to issue therefor the interest-  
4 bearing negotiable notes of the district, and for the purpose  
5 of refunding the indebtedness so created, of paying any  
6 necessary expenses and liabilities, incurred under the pro-  
7 visions of this act, including the expenses incurred in the  
8 creation of the district, in acquiring the properties and fran-  
9 chises specified in this act, by purchase or otherwise, of the  
10 purchase or acquisition of the said properties and fran-  
11 chises, of assuming and paying the mortgages, liens and  
12 encumbrances thereon as provided in section ten of this  
13 act, taking property, paying damages, constructing, main-  
14 taining and operating its properties and making renewals,  
15 extensions, additions and improvements to the same; the  
16 said traffic district, through its directors, may from time  
17 to time issue bonds of the district, to an amount or amounts  
18 necessary in the judgment of the directors therefor. Said

19 notes and bonds shall be legal obligations of said traffic  
20 district, which is hereby declared to be a quasi municipal  
21 corporation within the meaning of section ninety-six, chap-  
22 ter forty-seven of the revised statutes, and all the provisions  
23 of said section shall be applicable thereto. The said notes  
24 and bonds shall be legal investments for savings banks.

Sect. 15. All individuals, firms and corporations, whether  
2 private, public or municipal, shall pay to the treasurer of  
3 said district the charges established by said board of di-  
4 rectors for the services furnished by them. Said charges  
5 shall be so established as to provide revenue for the fol-  
6 lowing purposes:

I. To pay the current expenses for operating and main-  
8 taining the traffic system.

II. To provide for the payment of the interest on the  
10 indebtedness created or assumed by the district.

III. To provide each year a sum equal to not less than  
12 one nor more than five per cent of the entire indebted-  
13 ness created or assumed by the district, which sum  
14 shall be turned into a sinking fund and there kept to pro-  
15 vide for the extinguishment of such indebtedness. The  
16 money set aside for the sinking fund shall be devoted to  
17 the retirement of the obligations of the district or invested  
18 in such securities as savings banks are allowed to hold.

IV. To make improvements, renewals and additions if  
20 deemed advisable in preference to providing for same by  
21 notes or bonds.

V. If any surplus remains at the end of any year, it may  
23 in the discretion of the directors be divided between the  
24 two municipalities composing the district in the same pro-  
25 portions as each contributed to the gross earnings of the  
26 district's traffic system, and, in order that these proportions-  
27 may be readily determined, all moneys received for charges  
28 in each of said municipalities shall be entered in separate  
29 accounts so that the total amount thereof can be easily  
30 ascertained.

Sect. 16. All incidental powers, rights and privileges nec-  
2 essary to the accomplishment of the main objects herein  
3 set forth are granted to the public municipal corporation  
4 hereby created.

Sect. 17. This act shall take effect when approved by a  
2 majority vote of the legal voters of each of the cities of  
3 Portland and South Portland voting at an election to be  
4 specially called and held for the purpose on the second  
5 Monday of May, nineteen hundred and fifteen. Such spe-  
6 cial election shall be called, advertised and conducted ac-  
7 cording to the law relating to municipal elections, provided,  
8 however, that the boards of registration of said cities shall  
9 not be required to prepare for posting or the city clerks to  
10 post new lists of voters and for the purpose of registration  
11 of voters said boards shall be in session the three secular  
12 days next preceding such election, the first two days there-  
13 of to be devoted to registration of voters and the last day  
14 to enable the boards to verify the corrections of said lists

15 and to complete and close up its records of said sessions.  
16 The city clerks shall reduce the subject matter of this act  
17 to the following question: "Shall the act to incorporate the  
18 Portland Traffic District be accepted?" and the voters shall  
19 indicate by a cross placed over the words "Yes" or "No"  
20 their opinion of the same. The result shall be declared by  
21 the mayors of said cities and aldermen and due certificate  
22 thereof filed by the city clerks with the secretary of state.

Sect. 18. All acts or statutes special or general incon-  
2 sistent herewith are hereby repealed, so far as affecting this  
3 act is concerned.

Sect. 19. This act shall take effect when approved by the  
2 governor, so far as necessary to empower the calling and  
3 holding of the elections authorized in section seventeen  
4 hereof.