

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

---

---

SEVENTY-NINTH LEGISLATURE

---

---

HOUSE

NO. 100

---

---

House of Representatives, Feb. 5, 1919.

Introduced by Senator Gurney of Cumberland. By Mr. Rounds of Portland tabled for printing pending reference to a committee.

CLYDE R. CHAPMAN, Clerk.

Presented by Senator Gurney of Cumberland.

---

STATE OF MAINE

---

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

---

AN ACT to Provide for the Building of Public Wharves and  
for the Establishment of Adequate Port Facilities and for  
the Advancement of Commerce.

---

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

Section 1. The governor, with advice and consent of the  
2 council, shall appoint four persons and the mayor of the  
3 city of Portland shall appoint one person, and the five per-  
4 sons so appointed, shall constitute a board to be known  
5 as the Directors of the Port of Portland, hereinafter called  
6 the directors. The terms of office of the persons first ap-  
7 pointed by the governor shall be so arranged and desig-

8 nated at the time of their appointment that the term of one  
9 member shall expire in four years, one in three years, one  
10 in two years and one in one year from the first day of  
11 August, nineteen hundred and nineteen, and the term of  
12 office of the member appointed by the mayor shall expire  
13 in three years from the first day of August, nineteen hun-  
14 dred and nineteen. The governor shall appoint annually  
15 thereafter one member to serve for three years, as the term  
16 of any member appointed by him shall expire; and at the  
17 expiration of the term of the member appointed by the  
18 mayor, the mayor shall appoint a member to serve for three  
19 years. Any vacancy occurring among the directors shall  
20 be filled for the unexpired term by the governor or by the  
21 mayor, according as the vacancy occurs among the mem-  
22 bers originally appointed by the governor or by the mayor  
23 respectively. In all cases a member shall continue to serve  
24 until his successor is appointed and qualified. The gov-  
25 ernor shall designate the chairman, who shall receive as  
26 annual salary four thousand dollars and shall devote his  
27 whole time to the work of the directors. The other di-  
28 rectors shall each receive an annual salary of five hundred  
29 dollars.

Sect. 2. The Directors of the Port of Portland shall be  
2 the administrative officers of the port, shall cause to be  
3 made all necessary plans for the comprehensive develop-  
4 ment of the harbor, shall have immediate charge of the  
5 lands now or hereafter owned by the state upon or adja-

6 cent to the harbor front, and of the construction of piers  
7 and other public works therein, shall administer all termi-  
8 nal facilities which are under their control, shall keep them-  
9 selves thoroughly informed as to the present and probable  
10 future requirements of steamships and of shipping, and  
11 as to the best means which can be provided at the port of  
12 Portland for the accommodation of steamships, railroads,  
13 warehouses and industrial establishments. The directors  
14 shall appoint such engineers, clerks, agents, assistants and  
15 other employees as they may deem necessary to carry out  
16 the purposes of this act, and shall determine the duties and  
17 compensation of such employees.

Sect. 3. The directors shall have an office in the city of  
2 Portland in which they shall keep maps, charts, plans and  
3 documents relating to the lands and waters under their  
4 charge. The directors shall at all times have access to  
5 any other maps, charts, plans and documents relating to  
6 said waters and lands, in the office or custody of any other  
7 public board, commission or official.

Sect. 4. With the consent of the Governor and Council, the  
2 directors may take or acquire by purchase or otherwise, and  
3 hold, such real property and such rights and easements  
4 therein as the directors may from time to time consider nec-  
5 essary for the purpose of constructing, or securing the con-  
6 struction or utilizing of piers and, in connection therewith,  
7 highways, waterways, railroad connections, storage yards  
8 and sites for warehouses and industrial establishments, and

9 may lay out and build thereon such piers, with buildings  
10 and appurtenances, docks, highways, waterways, railroad  
11 connections, storage yards and public warehouses, as, in the  
12 opinion of the directors, may be desirable.

Sect. 5. In order to take any property by right of eminent  
2 domain, the directors shall within ninety days after voting  
3 to take any lands or easements therein file and cause to be  
4 recorded in the registry of deeds for the county in which  
5 the property to be taken is situated, a description thereof  
6 sufficiently accurate for identification, with a statement of  
7 the purposes for which the same was taken, signed by a ma-  
8 jority of the directors. Notice of such proceedings shall  
9 be given to the owners thereof, if known, and the said no-  
10 tice shall be published once a week for three weeks in a  
11 newspaper regularly published in the county where the said  
12 lands or easements are situated. The recording shall oper-  
13 ate as a taking of the real estate and of the rights and ease-  
14 ments therein described. No taking shall be valid unless  
15 it is recorded in accordance with the provisions of this sec-  
16 tion. In the event that the owner or other persons bene-  
17 ficially interested in said lands or easements shall not con-  
18 sent to the taking thereof, said owner or other person bene-  
19 ficially interested therein shall begin proceedings to protect  
20 their interest in said lands or easements in the Supreme  
21 Judicial Court in the county where said lands or easements  
22 are situated within sixty days after the recording of the  
23 said plan, which time may be enlarged by any justice of the

24 Supreme Judicial Court, in term time or vacation, upon pe-  
25 tition setting forth sufficient cause therefor, filed within six  
26 months from the day of the filing of said plan. If the tak-  
27 ing of said lands or easements be permanently enjoined by  
28 the Supreme Judicial Court on proceedings instituted there-  
29 for, such actual damages only as shall have been sustained  
30 shall be recoverable by the person or persons whose lands  
31 were taken, or attempted to be taken, as aforesaid.

Sect. 6. The State of Maine, through its treasurer, shall  
2 pay all damages to property sustained by any person, firm  
3 or corporation by the taking of any land or any right or  
4 easement therein. Any person, firm or corporation sus-  
5 taining damage as aforesaid, and failing to agree with the  
6 directors as to the amount thereof, may have the same as-  
7 sessed and determined in the manner provided by law in  
8 the case of land taken for the laying out of highways, on  
9 application at any time within three years after the taking  
10 of such land or right or easement therein; but no such appli-  
11 cation shall be made after the expiration of the said three  
12 years.

Sect. 7. All piers and other similar structures built by the  
2 directors shall be equipped, either by the directors or by  
3 the lessees thereof, with suitable sheds, railway tracks,  
4 cranes and other machinery and accommodations for the  
5 convenient, economical and speedy loading and discharge of  
6 freight; and the directors may acquire, hold and operate  
7 such lighters and other vessels as may be convenient, and,

8 in the opinion of the directors, needed for that purpose. The  
9 directors shall make such reasonable rules and regulations  
10 and shall charge such reasonable rates for the use of such  
11 structures and equipment as they may from time to time  
12 deem wise.

Sect. 8. The directors shall have power to lease for a  
2 period not exceeding twenty years, under such covenants  
3 and conditions as they may prescribe, storage facilities,  
4 wharves, piers, bulkheads, docks, sheds, warehouses and  
5 industrial locations within their charge; but no lease for  
6 a term exceeding five years shall be valid until approved  
7 by the Governor and Council. The income from all wharf-  
8 age and storage rates, use of cranes, lighterage, dockage  
9 and other charges, and from the leases of lands, storage  
10 structures, wharves, piers, docks, sheds, warehouses and  
11 industrial sites shall be collected by the directors and paid  
12 into the treasury of the State of Maine.

Sect. 9. The directors, with the approval of the Gover-  
2 nor and Council, are authorized to grade and surface any  
3 suitable railroad locations or traffic ways which are or may  
4 be located on lands, flats or rights therein, now owned or  
5 hereafter acquired by the State under the provisions of this  
6 act, and to carry said ways or railroads over or under any  
7 railroad or railway location or public way in order to elimin-  
8 ate crossings at grade, and to provide suitable and conven-  
9 ient track connections between the rails serving any pier or  
10 piers and those of any existing or proposed railroad that

11 now reaches or hereafter may reach Portland. All piers  
12 held or controlled by the directors shall also be accessible  
13 and open to all teaming and lighterage traffic, subject to  
14 such regulations as the directors may from time to time  
15 make.

Upon application to the directors, any railroad company  
2 that now reaches or hereafter may reach Portland, either  
3 by its own rails or under trackage or traffic contract or  
4 agreement with any other railroad company, shall be pro-  
5 vided by the directors with a track connection with the  
6 tracks serving such pier or piers.

Sect. 10. The directors shall take all proper measures to  
2 obtain from the City of Portland, without expense to the  
3 State therefor, a conveyance of all the present right, title  
4 and interest of the city in and to flats and rights of the city,  
5 which, in the opinion of the directors, are required for the  
6 development contemplated by this act, and the City of Port-  
7 land is hereby authorized to make such conveyance, and  
8 also in furtherance of the development of the port to make  
9 conveyance to the directors, but only for maritime or com-  
10 mercial improvement, of any shore lands owned by it else-  
11 where, acquired either by purchase or taking.

Sect. 11. It shall be the duty of the directors forthwith  
2 to make, and so far as may be practicable, to put into exe-  
3 cution, comprehensive plans providing on the lands now  
4 owned or hereafter acquired by the city or state at the Port  
5 of Portland adequate piers, capable of accommodating the



6 largest vessels, and in connection with such piers suitable  
7 highways, waterways, railroad connections and storage  
8 yards, and sites for warehouses and industrial establish-  
9 ments.

Sect. 12. The directors shall, on the first day of Decem-  
2 ber of each year, submit a report to the Governor and Coun-  
3 cil, which report shall contain a statement of the doings of  
4 the directors during the preceding year and such recom-  
5 mendations as to legislation, as in the opinion of the direc-  
6 tors, may be necessary or expedient to enable them better  
7 to administer the affairs of the port of Portland and to reg-  
8 ulate the shipping therein and the use of the piers, docks  
9 and terminal facilities under the charge of the directors.

Sect. 13. There shall be paid out of the treasury of the  
2 State, to be expended by the directors during the year end-  
3 ing on the thirty-first day of December, nineteen hundred  
4 and nineteen, the sum of ten thousand dollars for the sal-  
5 aries and expenses of the directors and for defraying the  
6 cost of the studies and plans described in section eleven of  
7 this act.

Sect. 14. The supreme judicial court shall have jurisdic-  
2 tion in equity, upon information filed by the attorney gen-  
3 eral, of violations of the provisions of this act.

Sect. 15. To meet expenses that may be incurred under  
2 the provisions of this act, the State Treasurer is hereby  
3 authorized with the approval of the Governor and Council  
4 to issue bonds, scrip or certificates of indebtedness to an  
5 amount not exceeding one million one hundred and fifty

6 thousand dollars for a term not exceeding forty years, to  
7 be in such form, to bear such rate of interest and to be is-  
8 sued in such amounts, from time to time, as the treasurer  
9 with the approval of the Governor and Council, shall de-  
10 termine.

Provided however, that the sum of one million one hun-  
2 dred and fifty thousand dollars or any part thereof, shall  
3 not become available until the city of Portland shall have  
4 acquired and caused to be deeded to the State of Maine, a  
5 suitable site for the said pier and railroad connections, au-  
6 thority to do which is hereby expressly conferred upon  
7 said city of Portland subject to limitations existing by the  
8 laws of the state.