

# MAINE STATE LEGISLATURE

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# SEVENTY-NINTH    LEGISLATURE

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## SENATE

## NO. 89

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In Senate, Feb. 19, 1919.

Reported by Mr. Thombs from Committee on Legal Affairs  
and 1000 copies ordered printed and bill returned to committee.

P. F. CRANE, Secretary.

Presented by Senator Gurney of Cumberland.

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## STATE    OF    MAINE

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

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AN ACT to Create the Portland Harbor 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 body politic and corporate under the name of the Portland  
4 Harbor District for the purpose of maintaining and im-  
5 proving the harbor facilities of the ports of Portland and  
6 South Portland in said district in accordance with the subse-  
7 quent provisions of this act. Said district shall have a  
8 common seal and power to sue and be sued. The affairs  
9 of said harbor district shall be managed by a board of six  
10 trustees, three of whom shall be appointed by the mayor of

11 the city of Portland and three by the mayor of the city of  
12 South Portland and confirmed by the respective boards of  
13 aldermen of their respective cities; one trustee from each  
14 of the cities constituting the district shall serve for a term  
15 of three years, one for the term of two years and one for the  
16 term of one year, and on the expiration of the term of office  
17 of any member annually thereafter, the mayor of each city  
18 shall make an appointment to fill the vacancy. The mayor  
19 and board of aldermen of each city may at any time fill any  
20 vacancy in said trustees caused by death, resignation or  
21 otherwise. In such case, however, trustees so appointed  
22 shall hold office for the unexpired term of the member whose  
23 office is made or left vacant. The mayors of each city for  
24 the time being shall be ex-officio trustees of the Portland  
25 Harbor District. Said trustees shall organize by electing  
26 one of their number president, and by electing a clerk and  
27 treasurer, whose compensation they shall fix at a meeting to  
28 be held as soon as may be after this act shall become a law,  
29 and annually in the month of March after the appointment  
30 by the mayor and city councils of the two members as herein  
31 provided.

The trustees of the Portland Harbor District shall qualify  
2 for office by taking oath for the faithful discharge of their  
3 duties before a justice of the peace, who shall make a record  
4 thereof to be preserved in the records of the harbor district.

Sect. 2. The Portland Harbor District is hereby author-  
2 ized under the permission and direction of the public utilities

3 commission to issue bonds to provide for such improve-  
4 ments as may be deemed necessary by said harbor district,  
5 and which shall be required by an act authorizing the con-  
6 struction of a state pier under the direction of the Portland  
7 Harbor Commission. Said bonds shall be legal obligations  
8 of said harbor district and on all property therein, which is  
9 hereby declared to be a quasi municipal corporation within  
10 the meaning of the statutes of this state.

Sect. 3. In case of default of payment of any of said bonds  
2 or the coupons attached thereto when due any holder thereof  
3 may petition the supreme judicial court for the county of  
4 Cumberland by bill in equity for the benefit of himself as  
5 well as for the benefit of all other holders of said bonds,  
6 and said court may enforce said lien, by appointment of a  
7 receiver and by sale of said property according to the usual  
8 practice in equity proceedings.

Sect. 4. The Portland Harbor District shall create a sink-  
2 ing fund for the retirement of its bonded indebtedness by  
3 setting aside annually from its income a sum equal to at  
4 least one per cent. of its total bonded indebtedness. Said  
5 sinking fund shall be invested in such securities as savings  
6 banks of this state are authorized to invest in, and shall be  
7 held, together with its accumulations, for the sole purpose  
8 of redeeming and paying the principal of said bonds.

Sect. 5. Bonds issued under the provisions of this act may  
2 be purchased and held by savings banks in this state.

Sect. 6. The Portland Harbor District is hereby author-

2 ized to levy a special tax on the valuation of all property  
3 within the district. Said special tax shall be based upon  
4 the valuation given the property by the board of assessors  
5 of the cities of Portland and South Portland and shall not  
6 exceed                mills on each dollar of valuation for one  
7 year. The amount of such tax shall be sufficient to provide  
8 said harbor district with the income necessary to meet its  
9 estimated expenditures of the ensuing year for operating  
10 expenses, interest on bonds or other loans, sinking fund,  
11 maintenance, and such improvements as it shall not seem  
12 expedient to provide for by issuing bonds as herein pro-  
13 vided; subject, however, to said maximum tax. Said special  
14 tax shall be levied annually within ninety days after the com-  
15 mitment of taxes by the tax assessors of cities of Portland  
16 and South Portland. The treasurer of said district shall be  
17 the collector of said special tax and may enforce the same  
18 in the same manner as provided by law for the enforcement  
19 of taxes levied by any municipal corporation.

Sect. 7. Said harbor district shall for the purposes of this  
2 act have the power to take from time to time by right of  
3 eminent domain or to acquire by purchase or otherwise any  
4 lands, water rights, rights of way or other easements in the  
5 cities of Portland or South Portland, public or private,  
6 necessary for any of the purposes mentioned in this act.

Sect. 8. When lands, water rights, rights of way or other  
2 easements are taken the said harbor district shall within  
3 thirty days after the taking cause to be recorded in the

4 registry of deeds for the county of Cumberland a descrip-  
5 tion of the same as certain as is required for the conveyance  
6 of land, with a statement of the purposes for which the  
7 same were taken, signed by a majority of its trustees, and  
8 upon such recording, fee in the lands, rights of way or  
9 other easements so taken shall vest in the harbor district.  
10 All damages sustained by any person or corporation by rea-  
11 son of such taking or through any action of said harbor  
12 district under this act shall be paid by the district. If the  
13 damages are not agreed upon a jury in the supreme judicial  
14 court of said county of Cumberland may be had to determine  
15 the same, in the same manner as in the case of highways on  
16 appeal from the county commissioners, except such action  
17 shall originate in said court; but in the case of taking no suit  
18 shall be brought after two years from the recording of said  
19 taking, as herein required.

Sect. 9. In every case of a petition for the assessment of  
2 damages or for a jury, said harbor district may at any time  
3 file an offer in writing with the other papers in the case to  
4 pay the petitioner a sum therein specified as damages, and  
5 if he does not accept same within thirty days after notice  
6 of such offer, and does not finally recover a greater sum  
7 than that offered, not including interest from the date of the  
8 offer on the sum so recovered, the district shall recover costs  
9 from said date, and if the petitioner does not recover dam-  
10 ages in a greater sum than that allowed as aforesaid, he  
11 shall be entitled to costs only to the date of the offer.

Sect. 10. The property of said Portland Harbor District  
2 shall be exempt from taxation.

Sect. 11. This act shall take effect upon being approved  
2 by a majority of all the legal voters of the city of Portland  
3 and a majority of all the legal voters of the city of South  
4 Portland voting at a special election to be held on the  
5 day of September, nineteen hundred and nineteen. A spec-  
6 ial ballot for the above purpose shall be prepared and sub-  
7 mitted to the voters of the city of Portland and the voters  
8 of the city of South Portland by the secretary of state, setting  
9 out the purposes and scope of this act.

Sect. 12. All acts and parts of acts inconsistent with the  
2 provisions of this act are hereby repealed.