

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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SEVENTY-NINTH LEGISLATURE

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SENATE

NO. 222

In Senate, March 15, 1919.

Reported by Mr. Gurney from Committee on Legal Affairs  
and laid on table to be printed under joint rules.

P. F. CRANE, Secretary.

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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 provide for the building of public wharves and for  
the establishment of adequate port facilities and for the ad-  
vancement of commerce.

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

Section 1. The governor, with the advice and consent of  
2 the council, shall appoint four persons and the mayor of  
3 the city of Portland shall appoint one person, and the five  
4 persons 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 designated  
8 at the time of their appointment that the term of one mem-

ber shall expire in four years, one in three years, one in two  
years and one in one year from the first day of August, nine-  
teen hundred and nineteen, and the term of office of the  
member appointed by the mayor shall expire in three years  
from the first day of August, nineteen hundred and nine-  
teen. The governor shall appoint annually thereafter one  
member to serve for three years, as the term of any member  
appointed by him shall expire; and at the expiration of the  
term of the member appointed by the mayor, the mayor  
shall appoint a member to serve for three years. Any  
vacancy occurring among the directors shall be filled for the  
unexpired term by the governor or by the mayor, according  
as the vacancy occurs among the members originally ap-  
pointed by the governor or by the mayor respectively. In  
all cases a member shall continue to serve until his suc-  
cessor is appointed and qualified. The governor shall  
designate the chairman who shall receive as annual salary  
four thousand dollars and shall devote his whole time to the  
work of the directors. The other directors shall each re-  
ceive an annual salary of five hundred dollars.

Sect. 2. The directors of the port of Portland shall be the  
administrative officers of the port, shall cause to be made all  
necessary plans for the comprehensive development of the  
harbor, shall have immediate charge of the lands now or  
hereafter owned by the state upon or adjacent to the har-  
bor front, and of the construction of piers and other public  
works therein, shall administer all terminal facilities which

8 are under their control, shall keep themselves thoroughly  
9 informed as to the present and probable future requirements  
10 of steamships and of shipping, and as to the best means  
11 which can be provided at the port of Portland for the  
12 accommodation of steamships, railroads, warehouses and  
13 industrial establishments. The directors shall appoint such  
14 engineers, clerks, agents, assistants and other employees as  
15 they may deem necessary to carry out the purposes of this  
16 act, and shall determine the duties and compensation of such  
17 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 any  
5 other maps, charts, plans and documents relating to said  
6 waters and lands, in the office or custody of any other public  
7 board, commission or official.

Sect. 4. With the consent of the governor and council,  
2 the directors may take or acquire by purchase or otherwise,  
3 and hold, such real property and such rights and easements  
4 therein as the directors may from time to time consider  
5 necessary for the purpose of constructing, or securing the  
6 constructing or utilizing of piers and, in connection there-  
7 with, highways, waterways, railroad connection, storage  
8 yards and sites for warehouses and industrial establish-  
9 ments, and may lay out and build thereon such piers, with  
10 buildings and appurtenances, docks, highways, waterways,

11 railroad connections, storage yards and public warehouses,  
12 as, in the 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  
8 majority of the directors. Notice of such proceedings shall  
9 be given to the owners thereof, if known, and the said notice  
10 shall be published once a week for three weeks in a news-  
11 paper regularly published in the county where the said lands  
12 or easements are situated. The recording shall operate as a  
13 taking of the real estate and of the rights and easements  
14 therein described. No taking shall be valid unless it is re-  
15 corded in accordance with the provisions of this section.  
16 In the event that the owner or other person beneficially  
17 interested in said lands or easements shall not consent to  
18 the taking thereof, said owner or other person beneficially  
19 interested therein shall begin proceedings to protect his or  
20 her interest in said lands or easements in the supreme ju-  
21 dicial 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  
24 the supreme judicial court, in term time or vacation, upon  
25 petition setting forth sufficient cause therefor, filed within

26 six months from the day of the filing of said plan. If the  
27 taking of said lands or easements be permanently enjoined  
28 by the supreme judicial court on proceedings instituted  
29 therefor, such actual damages only as shall have been sus-  
30 tained shall be recoverable by the person whose lands were  
31 taken, or attempted to be taken, as aforesaid.

Sect. 6. From the proceeds of bonds issued by the state  
2 of Maine for the purposes of this act as hereinafter pro-  
3 vided, the treasurer of state shall pay all damages to prop-  
4 erty sustained by any person, firm or corporation by the  
5 taking of any land or any right or easement therein. Any  
6 person, firm or corporation sustaining damage as aforesaid,  
7 and failing to agree with the directors as to the amount  
8 thereof, may have the same assessed and determined in the  
9 manner provided by law in the case of land taken for the  
10 laying out of highways, on application at any time within  
11 three years after the taking of such land or right or ease-  
12 ment therein; but no such application shall be made after  
13 the expiration of the said three years.

Sect. 7. All piers and other similar structures built by the  
2 directors shall be equipped, either by the directors or by the  
3 lessees thereof, with suitable sheds, railway tracks, cranes  
4 and other machinery and accommodations for the con-  
5 venient, 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.

9 The directors shall make such reasonable rules and regula-  
10 tions and shall charge such reasonable rates for the use of  
11 such structures and equipment as they may from time to  
12 time 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 a  
6 term exceeding five years shall be valid until approved by  
7 the governor and council. The income from all wharfage  
8 and storage rates, use of cranes, lighterage, dockage and  
9 other charges, and from the leases of lands, storage struct-  
10 ures, wharves, piers, docks, sheds, warehouses and indus-  
11 trial sites shall be collected by the directors and paid into  
12 the treasury of the state of Maine.

Sect. 9. The directors, with the approval of the governor  
2 and council, are authorized to grade and surface any suit-  
3 able railroad locations or traffic ways which are or may be  
4 located on lands, flats or rights therein, now owned or here-  
5 after acquired by the state under the provisions of this act;  
6 and to carry said ways or railroads over or under any rail-  
7 road or railway location or public way in order to eliminate  
8 crossings at grade, and to provide suitable and convenient  
9 track connections between the rails serving any pier or piers  
10 and those of any existing or proposed railroad that now  
11 reaches or hereafter may reach Portland. All piers held or

13 to all teaming and lighterage traffic, subject to such regula-  
14 tions as the directors may from time to time 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 to  
2 make, and so far as may be practicable, to put into execu-  
3 tion, 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  
3 council, which report shall contain a statement of the doings  
4 of the directors during the preceding year and such recom-  
5 mendations as to legislation, as in the opinion of the  
6 directors, may be necessary or expedient to enable them  
7 better to administer the affairs of the port of Portland and  
8 to regulate the shipping therein and the use of the piers,  
9 docks and terminal facilities under the charge of the  
10 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 sala-  
5 ries and expenses of the directors and for defraying the cost  
6 of the studies and plans described in section eleven of this  
7 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. From the proceeds of bonds issued by the state  
2 of Maine for the purposes of building and maintaining  
3 public wharves and for the establishment of adequate port  
4 facilities in the state of Maine as embodied in a resolution  
5 of the legislature proposing an amendment to article nine

6 of the constitution, if said amendment shall be adopted the  
7 treasurer of state is hereby authorized with the approval  
8 of the governor and council, to disburse and pay such  
9 moneys as are herein authorized for the purpose of carrying  
10 out the provisions of this act. The said treasurer is further  
11 empowered to issue bonds as authorized by said proposed  
12 amendment, if the same be adopted, in such form and in  
13 such amounts not exceeding the total set forth in said pro-  
14 posed amendment, from time to time, as the governor and  
15 council may determine.