

MAINE STATE LEGISLATURE

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EIGHTY-FIRST LEGISLATURE

SENATE

NO. 73

In Senate, Feb. 9, 1923.

Referred to Committee on Legal Affairs and five hundred copies ordered printed. Sent down for concurrence.

L. ERNEST THORNTON, Secretary.

Presented by Senator Brewster of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND TWENTY-THREE

AN ACT to Amend Chapter Eighty-four of the Private and Special Laws of 1919 as Amended by Chapter One Hundred and Twenty-three of the Private and Special Laws of the Special Session of 1919 Entitled "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:

Sec. 1. P. & S. L. 1919 C. 84 Amended. Sections seven, 2 eight, and nine of chapter eighty-four of the private and 3 special laws of 1919 entitled "An act to provide for the 4 building of public wharves and for the establishment of 5 adequate port facilities and for the advancement of com-

6 merce” are hereby amended by striking out entirely said
7 sections seven, eight, and nine and substituting in place
8 thereof the following:

‘Sect. 7. The directors of the port of Portland and their
2 successors as such directors are hereby constituted a cor-
3 poration under the name of

4 STATE OF MAINE PIER CORPORATION

5 with all the rights, privileges and powers of a corporation
6 organized under the general law in addition to the powers
7 herein enumerated, except in so far as inconsistent there-
8 with, with a capital of one thousand (1000) shares of com-
9 mon stock without par value and with the right to adopt
10 a common seal and to establish by-laws and regulations for
11 the management of its affairs not repugnant to its charter
12 and the laws of this state, and with a principal place of
13 business at the office in Portland of the directors of the
14 port of Portland.

(a) The said corporation is constituted an agency of the
2 state of Maine for the general purpose of acquiring, con-
3 structing and operating piers and terminal facilities at the
4 port of Portland in furtherance of chapter eighty-four of the
5 private and special laws of 1919 as now or hereafter amend-
6 ed, with all the rights, privileges and power necessary there-
7 for, and shall have the power of buying, leasing and otherwise
8 acquiring and of holding, owning, controlling, constructing,
9 leasing, mortgaging, operating and otherwise using and of
10 selling and otherwise disposing of real and personal prop-

erty and such rights and easements therein as its directors may from time to time consider necessary for the purpose of constructing, or securing the constructing or utilizing of piers and in connection therewith, highways, waterways, railroad connections, storage yards and sites for warehouses and industrial establishments, and may lay out and build thereon such piers, with buildings and appurtenances, docks, highways, waterways, railroad connections, storage yards, elevators, public warehouses, and every kind of railroad and marine terminal facility, as, in the opinion of its directors, may be desirable; it may acquire, hold and operate lighters and other vessels necessary or convenient; it may establish and collect the fees, rates, rentals and other compensation for the use of its property and facilities and may establish by contract or otherwise through and interchange rates with carriers connecting with or using its facilities; it shall keep account of its income and expenditures, property and liabilities, in manner approved by the state auditor, who shall audit its books of account at least once a year, and it shall make report of the condition of its property and finances to the directors of the port of Portland at such times as said directors may designate, the substance of which reports shall be incorporated in the annual report of the directors of the port of Portland to the Governor and council; the net income of the corporation may be used for improvements and extensions of the property of the corporation or may be disbursed as dividends. It may grade and

38 surface any suitable railroad locations or traffic ways which
39 are or may be located on lands, flats or rights therein, now
40 owned or hereafter acquired by it under the provisions of
41 this act, and to carry said ways or railroads across any
42 railroad or railway location or public way at, above or below
43 grade, and to provide suitable and convenient track connec-
44 tions between the rails serving any pier or piers and those
45 of any existing or proposed railroad that now reaches or
46 hereafter may reach Portland. All piers held or controlled
47 by it shall also be accessible and open to all teaming and
48 lighterage traffic, subject to such regulations as its directors
49 may from time to time make. Upon application to it any
50 railroad company that now reaches or hereafter may reach
51 Portland, either by its own rails or under trackage or
52 traffic contract or agreement with any other railroad com-
53 pany, shall be provided by it with a track connection with
54 the tracks serving such pier or piers.

(b) The officers of the corporation shall consist of a
2 board of directors who shall be the directors of the port
3 of Portland for the time being, a president who shall be
4 the president of the directors of the port of Portland and
5 a treasurer and such other officers as the board of directors
6 may from time to time deem necessary or advisable and
7 who need not be directors.

(c) All the powers of the corporation may be exercised
2 by the board of directors in lawful meeting and a majority
3 of the directors shall be necessary for a quorum. Regular

4 meetings of the board of directors may be established by
5 by-law and no notice need be given to the directors of such
6 regular meeting. The president and board of directors
7 shall serve without salary and shall determine and fix the
8 salary of all other officers and employees of the corporation.

(d) The corporation shall have the right by eminent do-
2 main paramount to any present or future public use by any
3 person or corporation subject to the provisions of chapter
4 fifty-five of the revised statutes of 1916 to take any real
5 estate, personal property, land, privileges and easements
6 necessary or convenient for the carrying out of its purposes
7 to be exercised in the same manner and by the same pro-
8 cedure as provided in the case of the directors of the port
9 of Portland in sections four, five and six of said chapter
10 eighty-four of the special laws of 1919 as amended, except
11 that damages shall not be payable from the proceeds of the
12 bond issue as provided in said section six.

(e) Actions at law or in equity in the courts of this
2 state or before the public utilities commission or industrial
3 accident commission may be brought by or against the cor-
4 poration as if it were a private corporation except that its
5 property may not be attached, trustee, or sequestered, but
6 if a judgment recovered against it is not paid within thirty
7 days, its personal property may be seized on execution,
8 provided further, however, that rights granted by said cor-
9 poration by way of mortgage may be enforced as specified
10 in such mortgage.

(f) The first meeting of this corporation may be called
2 by any incorporator by mailing, postage prepaid, a written
3 notice naming the time and place of such meeting to each
4 of the other incorporators seven days, at least, before the
5 day of the meeting, or the first meeting may be called by
6 any justice of the peace as provided by sections thirteen and
7 fourteen, chapter fifty-one, of the revised laws of 1916.

Sect. 8. Upon the completion of the organization of the
2 corporation, the state of Maine, acting by the directors of
3 the port of Portland, shall convey by deed to the corporation
4 the land, wharves and privileges conveyed to the said state
5 of Maine by deed recorded in the registry of deeds for
6 Cumberland county in book one thousand eighty-six, page
7 forty-one, together with the structures thereon, and shall
8 assign its interest whether as lessor or lessee in all leases of
9 the whole or any part of said property, and the said cor-
10 poration shall issue to the state of Maine therefor its entire
11 authorized capital stock. All real and personal property at
12 any time owned in the name of the corporation shall be
13 considered as the property of the state of Maine and en-
14 titled to the privileges and exemptions of property of the
15 state, except in so far as waived by the contract, mortgage
16 or other written instrument of the corporation, or by this
17 act.

Sect. 9. Use of facilities within the state of Maine for
2 transportation of property. The directors, the state of
3 Maine pier corporation, and any other proper agency or

4 instrumentality of the state of Maine shall have the right
5 to use in connection with and in furtherance of the purposes
6 and provisions of the said act, as amended, for the trans-
7 portation of property as defined in chapter fifty-five of the
8 revised laws of 1916 and amendments thereof, delivered
9 or deliverable at or routed over the property of the state
10 of Maine or the state of Maine pier corporation, at the
11 port of Portland, all of the facilities at any time existing
12 within the state of Maine owned, leased, or operated by any
13 common carrier, railroad, or street railroad, as defined in
14 said chapter fifty-five for the transportation of property, at
15 such reasonable rates for such use as may be determined by
16 the public utilities commission, which shall also regulate
17 such use so that any such common carrier, railroad, or
18 street railroad shall have reasonable priority of use of its
19 own facilities for transportation of property carried by it
20 and so that its transportation of property in interstate com-
21 merce shall not be unreasonably prejudiced. Complaints
22 under this section shall follow and be governed by the
23 provisions and procedure prescribed in said chapter fifty-
24 five and amendments thereto and any such common carrier,
25 railroad or street railroad whose facilities are so used may
26 proceed against the directors, the state of Maine pier cor-
27 poration, or other agent and instrumentality of the state
28 under the provision of said chapter fifty-five.'