

# MAINE STATE LEGISLATURE

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NEW DRAFT

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**EIGHTY-FIRST LEGISLATURE**

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**SENATE**

**NO. 319**

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In Senate, April 2, 1923.

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

L. ERNEST THORNTON, Secretary.

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**STATE OF MAINE**

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

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AN ACT to Amend Chapter Eighty-four of the Private and  
Special Laws 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 Com-  
merce."

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

Section 1. Section eight of chapter eighty-four of the  
2 private and special laws of nineteen hundred and nineteen  
3 entitled "An act to provide for the building of public  
4 wharves and for the establishment of adequate port facili-  
5 ties and for the advancement of commerce," as amended  
6 by chapter one hundred twenty-three of the private and

7 special laws of nineteen hundred and nineteen, is hereby  
8 further amended by striking out entirely said section eight,  
9 and substituting in place thereof the following:

‘Sect. 8. *May lease property; collect and disburse income;  
2 audit and report by state auditor.* The directors shall have  
3 power to lease, for a period not exceeding twenty years  
4 under such covenants and conditions as they may prescribe,  
5 wharves, piers, bulkheads, docks, sheds, warehouses, storage  
6 facilities, transportation facilities, and terminal facilities,  
7 and industrial locations within their charge, for public pur-  
8 poses, and may acquire the same, or rights therein or  
9 thereto, by lease or other contract, but no lease for a term  
10 exceeding five years shall be valid until approved by the  
11 governor and council. The directors shall appoint a treas-  
12 urer or other fiscal agent to hold office during their pleasure  
13 who shall give bond for the faithful discharge of his duties  
14 and who, under their direction, shall collect and deposit,  
15 subject to the restrictions of section sixty-two, chapter two  
16 of the revised statutes, the income and revenue accruing  
17 from the properties within the charge of the directors, and  
18 make disbursements therefrom for carrying out the pur-  
19 poses of this act and amendments thereof. He shall keep  
20 account of the income and expenditures, property and lia-  
21 bilities in manner approved by the state auditor, who shall  
22 audit the books of account at least once a year making a  
23 report thereon to the governor and furnishing a copy of all  
24 such reports forthwith to the directors.’

Sect. 2. Section nine of chapter eighty-four of the private  
2 and special laws of nineteen hundred and nineteen entitled  
3 “An act to provide for the building of public wharves and  
4 for the establishment of adequate port facilities and for the  
5 advancement of commerce” is hereby amended by adding  
6 thereto the following paragraphs:

“The directors of the port of Portland may establish by  
2 contract or otherwise through and interchange rates with  
3 carriers connecting with or using its facilities, and may  
4 make contracts with any public utility as defined in chapter  
5 fifty-five of the revised statutes, and acts amendatory there-  
6 of and additional thereto, for the use by said directors of  
7 any facility of such public utility for the transportation of  
8 property, as defined in said chapter fifty-five and acts  
9 amendatory thereof and additional thereto, or for joint use,  
10 or for use by such public utility for the furtherance of  
11 the purposes of this act, and acts amendatory thereof and  
12 additional thereto, of any facilities within the charge of  
13 said directors or for the joint use thereof.

“The said directors shall have the right, in accordance with  
2 the procedure prescribed in chapter fifty-five of the revised  
3 statutes and acts amendatory thereof and additional thereto,  
4 to file complaint against any public utility or public utilities  
5 engaged within the territorial limits of the municipalities of  
6 Portland and South Portland in the transportation of  
7 property delivered or destined for delivery at or routed over  
8 the property of the state of Maine at the port of Portland,

9 within the jurisdiction of said directors, representing in  
10 such complaint that said public utilities have failed to  
11 agree upon joint use of the facilities described in section  
12 forty-two of said chapter fifty-five belonging to them or  
13 either of them, and by such complaint to invoke the juris-  
14 diction conferred in such cases by said section forty-two  
15 upon the public utilities commission upon its own motion  
16 or upon complaint of any public utility affected; and said  
17 commission may, in accordance with the procedure and  
18 conditions prescribed by said section, issue any order for  
19 such joint use by said public utilities and prescribe the  
20 compensation, terms and conditions therefor as if said pro-  
21 ceeding had been initiated upon its own motion or upon  
22 complaint of any such public utility.'