

# MAINE STATE LEGISLATURE

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# EIGHTY - SEVENTH LEGISLATURE

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## Legislative Document

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No. 364

H. P. 1140

House of Representatives, February 5, 1935.

Referred to Committee on Judiciary, sent up for concurrence and 500 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Tupper of Calais.

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## STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
THIRTY-FIVE

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### AN ACT Creating the Port of Calais Authority.

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**Emergency preamble.** Whereas, the city of Calais in the county of Washington, is at the head of navigation of the St. Croix River and is partially dependent upon the shipping industry for its welfare and prosperity, and

Whereas, said city is in need of suitably located wharves and piers for said industry, and

Whereas, a plan is contemplated for the purpose of increasing the harbor facilities of said city and increasing the shipping facilities by acquiring the title to such wharf or wharves as will give proper effect to said purposes, and

Whereas, if this act takes effect at once as an emergency measure, the furtherance of said plan will create employment for a large number of unemployed labor and prepare the desired harbor and wharf facilities for said business for the season of 1935, and

Whereas, in the judgment of the legislature, these facts create an emergency within the meaning of section 16 of Article XXXI of the constitution

of the state of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now therefore

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

**Sec. 1. "The Port of Calais Authority", created.** There is hereby created "The Port of Calais Authority" which shall have the powers and duties as set forth in this act. There shall be a board of directors who shall exercise the powers and duties of said Authority chosen as follows by the city council of Calais; within 1 week of the effective date of this act, 1 member for a term of 3 years, another member for a term of 2 years, and another member for a term of 1 year. Annually thereafter a member shall be so chosen for a term of 3 years. The members shall serve for their term or until their successors are duly appointed and qualified. In case of the death or resignation of any member the city council shall appoint another member for the remainder of the unexpired term. The members of the board shall receive the following compensation

**Sec. 2. Powers and duties of directors.** The directors shall be the administrative officers of the Authority, and may employ such assistants as they may deem necessary to carry out the purposes of this act. They shall make such plans as seem best to them to obtain title to such wharf or wharves, or locations for such wharf or wharves, as will in their judgment increase the harbor facilities of the city of Calais. With the consent of the city council, the directors may take or acquire by purchase or otherwise, and hold, such real property and such rights and easements therein as the 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 connection, 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 and public warehouses, as, in the opinion of the directors, may be desirable.

**Sec. 3. Procedure to be employed in taking over lands, etc.** In order to take any property by right of eminent domain, the directors shall within 90 days after voting to take any lands or easements therein file and cause to be recorded in the registry of deeds for the county in which the property to be taken is situated, a description thereof sufficiently accurate for identification, with a statement of the purposes for which the same was taken, signed

by a majority of the directors. Notice of such proceedings shall be given to the owners thereof, if known, and the said notice shall be published once a week for 3 weeks in a newspaper regularly published in the county where the said lands or easements are situated. The recording shall operate as a taking of the real estate and of the rights and easements therein described. No taking shall be valid unless it is recorded in accordance with the provisions of this section. In the event that the owner or other persons beneficially interested in said lands or easements shall not consent to the taking thereof, said owner or other person beneficially interested therein shall begin proceedings to protect his or her interest in said lands or easements in the supreme judicial court in the county where said lands or easements are situated within 60 days after the recording of the said plan, which time may be enlarged by any justice of the supreme judicial court, in term time or vacation, upon petition setting forth sufficient cause therefor, filed within 6 months from the day of the filing of said plan. If the taking of said lands or easements be permanently enjoined by the supreme judicial court on proceedings instituted therefor, such actual damages only as shall have been sustained shall be recoverable by the person whose lands were taken, or attempted to be taken, as aforesaid.

**Sec. 4. Property damages to be paid from proceeds of bond issue; how damages shall be assessed.** From the proceeds of bonds issued by the said district for the purposes of this act as hereinafter provided, the board of directors shall pay all damages to property sustained by any person, firm or corporation by the taking of any land or any right or easement therein. Any person, firm or corporation sustaining damage as aforesaid, and failing to agree with the directors as to the amount thereof, may have the same assessed and determined in the manner provided by law in the case of land taken for the laying out of highways, on application at any time within 3 years after the taking of such land or right or easement therein; but no such application shall be made after the expiration of the said 3 years.

**Sec. 5. Piers and other structures to be suitably equipped; directors to make rules and regulations and establish rates for use of.** All piers and other similar structures built by the directors shall be equipped, either by the directors or by the lessees thereof, with suitable sheds, railway tracks, cranes and other machinery and accommodations for the convenient, economical and speedy loading and discharge of freight; and the directors may acquire, hold and operate such lighters and other vessels as may be convenient, and, in the opinion of the directors, needed for that purpose. The directors shall make such reasonable rules and regulations and shall

charge such reasonable rates for the use of such structures and equipment as they may from time to time deem wise.

**Sec. 6. May lease wharves, piers, etc., upon approval by council; income collected from use of property acquired, how used.** The directors shall have power to lease for a period not exceeding 20 years, under such covenants and conditions as they may prescribe, storage facilities, wharves, piers, bulkheads, docks, sheds, warehouses and industrial locations within their charge; but no lease for a term exceeding 5 years shall be valid until approved by the council. The income from all wharfage and storage rates, use of cranes, lighterage, dockage and other charges, and from the leases of lands, storage structures, wharves, piers, docks, sheds, warehouses and industrial sites shall be collected by the directors and applied to the expenses of the said Authority.

**Sec. 7. Directors may accept deeds and bequests in the name of said district.** The directors may accept in behalf of the Authority such grants of land, or rights therein or shore privileges as the city of Calais may see fit to make.

**Sec. 8. Reports.** The directors shall, on the 1st day of December of each year, submit a report to the council, which report shall contain a statement of the doings of the directors during the preceding year and such recommendations as, in the opinion of the directors, may be necessary or expedient to enable them better to administer the affairs of the port of Calais and to regulate the shipping therein and the use of the piers, docks and terminal facilities under the charge of the directors.

**Sec. 9. Bond issue.** "The Port of Calais Authority" is hereby authorized to issue bonds up to 60% of the value of its properties, which said bonds shall be a first lien on the property.

**Emergency clause.** In view of the emergency set forth in the preamble this act shall take effect when approved.