

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

NEW DRAFT

EIGHTY - SEVENTH LEGISLATURE

Legislative Document

No. 793

S. P. 637

In Senate, March 19, 1935.

Reported by Senator Burkett of Cumberland and 7 others from Committee on Judiciary and laid on table to be printed under Joint Rules.

ROYDEN V. BROWN, Secretary.

NEW DRAFT OF S. P. 331, L. D. 340

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-FIVE

AN ACT Creating the Portland Public Improvement Commission.

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

Sec. 1. Portland Public Development Commission, created. There is hereby created "Portland Public Development Commission," which shall be a body corporate and politic, having the same rights, privileges and powers as have corporations organized under the general law, in addition, and except insofar as inconsistent with the powers herein enumerated, with the right to adopt a common seal and to establish by-laws and regulations for the management of its affairs not repugnant to its charter and the laws of this state, and with a principal place of business and office in Portland, Maine.

Sec. 2. Powers. The said corporation shall have power to lay out and construct all manner of public improvements, including, without restricting the generality of the foregoing, public assembly halls for business or recreation, exhibition halls and museums, parks, playgrounds, athletic fields and buildings, swimming pools and other recreational facilities, public garages or parking areas, wharves, docks, boat anchorages and other waterfront improvements, and for that purpose to purchase, lease, hold, own, manage,

control, sell, mortgage, lease or let land, buildings, real estate and rights in real estate, and all manner of personal property, and to accept gifts thereof in trust, or otherwise.

Sec. 3. Management. Said corporation shall be managed by a board of 5 directors, who shall be appointed by the city council of the city of Portland for terms of 5 years, except that in the first appointment one director shall be appointed for 1 year, one for 2 years, one for 3 years, one for 4 years and one for 5 years. Said directors shall elect or appoint such officers and agents as they shall determine are necessary for the transaction of the business of the corporation, subject to the approval of said city council, and they shall adopt such by-laws as shall be approved by said city council.

Sec. 4. Power to borrow money. The said corporation shall have power to borrow money and issue notes, bonds, or other evidences of indebtedness, and to secure the payment thereof by mortgage, pledge or assignment of its properties, including any revenues derived therefrom, or from the use thereof, but said corporation shall not have power to pledge the credit of the city of Portland.

Sec. 5. Collection and disposition of income. The corporation shall have power to fix and receive by private contract or regularly established fees, revenue for the use, occupation or enjoyment of any of its property, and shall devote the same exclusively to the management, repair, replacement, construction, and reconstruction, purchase and general development of its property within the scope of its powers as herein defined, and shall render an account thereof annually to the city council, a summary of which shall be incorporated in the reports published by the city of Portland.

Sec. 6. City of Portland not liable to any action. The city of Portland shall not be liable to any action, either in tort or contract, for any acts of the corporation, its directors, officers or agents, in the development, management, use and occupation or ownership of any of its property, or in the conduct of its business, or otherwise.

Sec. 7. Act not to affect authority of Portland Park Commission or Port of Portland authority. This act shall not limit or affect in any way the authority conferred by law upon the Park Commission of said city of Portland to lay out and improve the public parks, promenades, squares, cemeteries and public grounds of said city, nor the authority conferred by law upon the Port of Portland Authority, but the city of Portland and said Port

of Portland Authority are hereby authorized to grant to said corporation any property, rights or privileges which may be reasonably necessary or desirable for the carrying out of the purposes of this corporation, and upon such consideration as may be mutually arranged between them.