

# 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)

---

---

# E I G H T Y - E I G H T H L E G I S L A T U R E

---

---

**Legislative Document**

**No. 612**

S. P. 343

In Senate, February 16, 1937.

Referred to Committee on Legal Affairs. Sent down for concurrence and 500 copies ordered printed.

ROYDEN V. BROWN, Secretary.

Presented by Senator Beckett of Washington.

---

---

## STATE OF MAINE

---

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
THIRTY-SEVEN

---

### **AN ACT to Incorporate the Port of Calais.**

---

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

**Sec. 1. Port of Calais incorporated.** The inhabitants and territory within the following boundaries, to wit, Wards 5, 6, and 7 of the city of Calais are hereby created a body politic and corporate and a public municipal corporation under the name of the port of Calais for the purpose of acquiring and maintaining public wharves and public port facilities within its boundaries.

**Sec. 2. Board of directors.** All the affairs of said port shall be managed by a board of 3 directors who in the name and on behalf of the port shall exercise all the powers conferred upon the port and perform all the duties imposed upon the port. As soon as reasonably may be after this act takes effect the city council of the city of Calais shall appoint 3 directors, 1 for a term expiring on December 31, 1937, one for a term expiring on December 31, 1938, and 1 for a term expiring on December 31, 1939. On or before December 31 of each year, the said city council shall appoint a director for a 3 year term beginning with the following January 1. The term of all directors, including the original directors, shall continue until

their successors are elected. Any vacancy in the board of directors from death, resignation or other cause, shall be filled for the unexpired term by the said city council. The board of directors shall organize as soon as reasonably may be and shall elect from their own number a chairman, a treasurer and a clerk, each of whom shall perform the duties usually devolving upon such officers. The clerk shall keep a record of all meetings of the board of directors which shall be public records.

**Sec. 3. Powers and duties of directors.** The directors shall be the administrative officers of the port, shall cause to be made all necessary plans for the comprehensive development of the port, shall administer all terminal facilities which are or may hereafter be under their control, shall keep themselves informed as to the present and probable future requirements of steamships and of shipping, and as to the best means which can be provided at the port for the accommodation of steamships, railroads, warehouses and industrial establishments, all for the public use and benefit. The directors shall employ such engineers, clerks, attorneys, agents, assistants and other employees as they may deem necessary to carry out the purposes of this act and shall determine their duties and compensation.

**Sec. 4. Acquisition of property.** The directors may acquire for and in the name of the port by purchase or otherwise such real and personal property as they may from time to time consider necessary for carrying out the purposes of this act. They may take by eminent domain any such real property and any such rights or easements therein, including water rights. They may purchase, construct or otherwise acquire wharves and port facilities, including highways, waterways, railroad connections, storage yards, warehouses and sites and may lay out and build thereon such piers with buildings and appurtenances, docks, highways, waterways, railroad connections, storage yards and warehouses as in the opinion of the directors may be desirable in connection therewith, all for the public use and benefit.

**Sec. 5. Procedure for eminent domain.** 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 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, and the names of the owners if known, with a general statement of the purposes for which the same was taken signed by the directors or a majority thereof. 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 situ-

ated. 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. When for any reason the directors fail to acquire the property authorized to be taken and which is described in such description or when the location or description of both so recorded is defective or uncertain the board may at any time correct and perfect such description or location and cause to be recorded a new description or location in place thereof, and in such case there shall be liability in damages only for the property for which the owner had not previously been paid to be assessed as of the time of the original taking, and there shall be no liability for any act which would have been justified if the original taking had been lawful. No entry shall be made on any private lands except to make surveys and borings until the expiration of 10 days from said recording, whereon possession may be had of all said lands or interest therein or easements so taken.

**Sec. 6. Payment of damages.** The directors shall cause to be paid all damages to property sustained by any person, firm or corporation by the taking of any lands or any rights or easements therein. Any person, firm or corporation sustaining damages 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. 7. Equipment; regulations; charges.** All piers and other similar structures under the control of the directors shall be equipped with suitable sheds, railway tracks, trains 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, dredges 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. 8. Leases.** The directors shall have power to lease for public purposes for a period not exceeding 20 years under such covenants and conditions as they may prescribe wharves, piers, bulkheads, docks, sheds, warehouses, storage facilities, transportation facilities and terminal facilities within their charge and may acquire the same or rights therein or thereto by lease or other contract. The income and revenue accruing from all prop-

erties within the charge of the directors shall be collected under the direction of the directors and disbursed for the purposes of this act including operating expenses of the said properties, repairs, improvements and extensions thereto and the payment of the principal and interest on bonds of the port.

**Sec. 9. Reports.** The directors shall as soon as possible after the 1st day of January in each year submit a report to the city council of the city of Calais, which reports shall contain a statement of the doings of the directors during the preceding year ending December 31, 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 and to regulate the shipping therein and the use of the piers, docks and terminal facilities under the charge of the directors.

**Sec. 10. Bonds and taxes.** The directors are hereby authorized to issue at one time or from time to time bonds of the port to an aggregate amount not exceeding \$200,000 for the purpose of obtaining funds to carry out the purposes of this act. Such bonds shall be payable in substantially equal annual instalments of principal beginning not more than 3 years and ending not more than 20 years from their respective dates. They shall be signed by the directors or a majority thereof and shall bear the seal of the port. They shall be sold in such manner and for such price not less than par as the directors may determine. Such bonds shall be general obligations of the port. The directors shall arrange as far as they deem it possible to pay the principal and interest of such bonds from the operating income or other funds of the port, but all taxable property in the port shall be subject to the levy of unlimited ad valorem taxes to pay the principal and interest of such bonds. Before the 1st day of April in each year the directors shall determine the amount if any which in their opinion must be raised by taxation to meet the principal and interest of the bonds maturing during the succeeding calendar year and shall issue their warrants in the same form as the warrant of the treasurer of state for taxes, with proper changes, to the assessors of the city of Calais requiring them to assess the sum so determined upon the taxable polls and estates within the port and to commit their assessment to the constable or tax collector of the city, who shall have all authority and powers to collect said taxes as is vested in them by law to collect state, county and municipal taxes. On or before the 31st day of December of the year in which said tax is so levied, the treasurer of the said city shall pay the amount of the tax so assessed to the treasurer of the port. In the case of the failure on the part of the said

treasurer to pay said sum or in case of his failure to pay any part thereof on or before the 31st day of December of the year in which such tax is levied, the treasurer of the port may issue his warrant for the amount of this tax or so much thereof as shall then remain unpaid to the sheriff of Washington county, requiring him to levy by distress and sale on real and personal property of any of the inhabitants of said port, and the sheriff or any of his deputies shall execute said warrant according to law. The same authority as is vested in county officials for the collection of county taxes under the provisions of the revised statutes is hereby vested in the directors of said port in relation to the collection of taxes within such port.

**Sec. 11. P. & S. L., 1935, c. 39 repealed.** Chapter 39 of the private and special laws of 1935 is hereby repealed.