

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)

N I N E T I E T H L E G I S L A T U R E

Legislative Document

No. 146

S. P. 102

In Senate, January 22, 1941.

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

ROYDEN V. BROWN, Secretary.

Presented by Senator Sanborn of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-ONE

AN ACT Relating to the Port of Portland Authority.

Emergency preamble. Whereas, the government of the United States is devoting its efforts to preparation for defense in the event of war, and

Whereas, the president is urging that every effort be made by citizens to contribute to that preparation, and

Whereas, efficient and adequate facilities for the forwarding, receiving and storing of commodities along the waterfront is of primary importance, and

Whereas, the port of Portland is of major advantage to the state and nation in this respect, 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 Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety;

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

P. & S. L., 1929, c. 114, § 1, amended. Section 1 of chapter 114 of the private and special laws of 1929 is hereby amended to read as follows:

“Sec. 1. “Port of Portland Authority,” created. There is hereby created “Port of Portland Authority,” hereinafter referred to as the “Port Authority,” 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 to, and except in so far 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.

(a) There is hereby created a district to be known as the “Port of Portland” which shall include the land and waters within the limits of the cities of Portland and South Portland, together with the land and waters of Portland harbor.

(b) The said Port Authority is constituted a public agency of the state of Maine for the general purpose of acquiring, constructing and operating piers and terminal facilities at the Port of Portland, with all the rights, privileges and power necessary therefor, and shall have the power of buying, leasing and otherwise acquiring and of holding, owning, controlling, constructing, leasing, operating and otherwise using and of selling and otherwise disposing of real and personal property 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; ~~but no lease for a term exceeding five years, contract for purchase or new construction exceeding five thousand dollars or deed of conveyance of real estate given by the Port Authority shall be valid until approved by the governor and council;~~ for a term not exceeding 5 years, it may lease, demise or rent any of its real or personal property not required in the performance of its functions; and for a period not exceeding 5 years, and in a sum not exceeding \$5,000, by vote of its directors, it may make any contract or agreement for the carrying on or performance of its purposes or for the more advantageous, expeditious or convenient discharge of its duties; no form of indebtedness issued or liabilities incurred by said Port Authority shall become an obligation of the state of Maine and all instruments so issued shall so state; 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; 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 accounts at least once a year, and it shall make an annual report of the condition of its property and finances to the governor and council; the net income of the Port Authority may be used for improvements and extensions of the property of the Port Authority in the discretion of its directors. It may grade and surface any suitable railroad locations or traffic ways which are or may be located on lands, flats or rights therein, now owned or hereafter acquired by it under the provisions of this act, and may carry said ways or railroads across any railroad or railway location or public way at, above or below grade, subject however to the approval of the public utilities commission, and may provide suitable and convenient track connections between the rails serving any pier or piers and those of any existing or proposed railroad that now reaches or hereafter may reach Portland. All piers held or controlled by it shall also be accessible and open to all teaming and lighterage traffic, subject to such regulations as its directors may from time to time make. Upon application to it any railroad company that now reaches or hereafter may reach Portland, either by its own rails or under trackage or traffic contract or agreement with any other railroad company, may be provided by it with a track connection with the tracks serving such pier or piers. Bonds or other securities issued by the Port Authority shall at all times be free from taxation by the state of Maine.

(c) The Port Authority may establish by contract or otherwise through and interchange rates with carriers connecting with or using its facilities, and may make contracts with any public utility as defined in chapter ~~fifty-five~~ **62** of the revised statutes, and acts amendatory thereof and additional thereto, for the use by said Port Authority of any facility of such public utility for the transportation of property as defined in said chapter ~~fifty-five~~ **62** and acts amendatory thereof and additional thereto, or for joint use, or for use by such public utility for the furtherance of the purposes of this act, and acts amendatory thereof and additional thereto, of any facilities owned by said Port Authority or for the joint use thereof.

(d) The Port Authority shall have the right, in accordance with the procedure prescribed in chapter ~~fifty-five~~ **62** of the revised statutes and acts amendatory thereof and additional thereto, to file complaint against any public utility or public utilities engaged within the territorial limits of the municipality of Portland in the transportation of property delivered or destined for delivery at or routed over the property of the Port Authority,

representing in such complaint that said public utilities have failed to agree upon joint use of the facilities described in section ~~forty-two~~ 50 of said chapter ~~fifty-five~~ 62 belonging to them or either of them, and by such complaint to invoke the jurisdiction conferred in such cases by said section ~~forty-two~~ 50 upon the public utilities commission upon its own motion or upon complaint of any public utility affected; and said commission may, in accordance with the procedure and conditions prescribed by in said section, issue any order for such joint use by said public utilities and prescribe the compensation, terms and conditions therefor as if said proceeding had been initiated upon its own motion or upon complaint of any such public utility.

With the consent of the governor and council, first obtained, it may, by vote of its directors:

1: Make any contract not otherwise authorized relating to the purposes, duties, rights, powers and privileges enumerated in chapter 114 of the private and special laws of 1929 as amended.

2: Convey, sell, lease, demise or rent any of its property not required in the discharge or performance of its duties; hire, lease and rent from others any property deemed desirable for its purposes not otherwise authorized in said chapter 114 as amended.

3: Receive by gift, grant, devise or bequest any gift of money or real or personal property not otherwise authorized or permitted.

4: Receive from the United States Government or any of its divisions, agencies, districts or commissions, any license, grant, gift, donation or benefit with or without terms or conditions.

5: Borrow money, issue, sell and dispose of its debentures, notes or bonds, unsecured or secured by mortgage of its property or by pledge of any part of its revenues not required for maintenance and operation and the discharge, performance and furtherance of its duties. Such bonds, debentures, and notes shall bear interest at rates specified and upon conditions and terms enumerated.

6: Establish and set aside and maintain sinking funds for the redemption of its obligations.

All debentures, notes and bonds of said Authority, issued as aforesaid, with the consent of the governor and council, shall be legal investments for the savings banks of this state.'

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.