

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 OF S. P. 195, L. D. 278.

N I N E T Y - F I R S T L E G I S L A T U R E

Legislative Document

No. 859

S. P. 477

In Senate, March 26, 1943.

Reported by Senator Sanborn of Cumberland from Committee on Legal Affairs and laid on the table to be printed under joint rules.

ROYDEN V. BROWN, Secretary.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-THREE

AN ACT Amending "An Act to Create the Port of Portland Authority" as amended.

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

Sec. 1. P. & S. L., 1929, c. 114, § 4. Section 4 of chapter 114 of the private and special laws of 1929 is hereby amended by adding the following paragraph:

‘(e) Surveys may be made. The directors shall give consideration to the development of ports in this state and, when authorized by the governor and council, may cause surveys to be made; said directors shall consult with and advise representatives of such communities or districts as may desire to institute proceedings for local maritime and port development; they may make recommendations to the legislature in respect of the same and to the municipal officers of such cities, towns or districts in which such ports are located.’

Sec. 2. P. & S. L., 1929, c. 114, § 6, amended. Section 6 of chapter 114 of the private and special laws of 1929 is hereby amended by adding thereto the following paragraphs, to read as follows:

‘The Port of Portland Authority may take for public use, for its purposes, any property, right, easement, use, interest or estate in any wharf,

dock, pier or site, including related approaches, abutments and appurtenances already appropriated to or charged with a public use, under the power of eminent domain, excluding all that portion of the waterfront of Portland harbor situated west, southwest, or south of a line drawn northwest and southeast through a point which is the center of Maple street in said Portland where said street joins or intersects the northerly line of Commercial street and projecting into the main Harbor, but consideration shall be given to such existing public use and all reasonable efforts shall be made to interfere no more than may be reasonably necessary with the business, service or functions of the owner, operator, possessor or other person controlling, managing or operating such existing public use; provided, however, that no such property, right, easement, use, interest or estate already appropriated to or charged with a public use shall be taken without contract with or the consent of the owner, operator, possessor or other person controlling, managing or operating the same, unless and until the public utilities commission, after notice and hearing, shall have determined that such property, right, easement, use, interest or estate appropriated to or charged with a public use is necessary to said Authority for the purposes of this act, and that the taking by said Authority is in the public interest.

Any person, firm or corporation sustaining damage as aforesaid, under said act creating said Authority as amended, 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, right, easement, use, interest or estate therein, but no such application shall be made after the expiration of the said 3 years.'