

MAINE STATE LEGISLATURE

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NINETY - SECOND L E G I S L A T U R E

Legislative Document

No. 352

S. P. 146

In Senate, February 1, 1945.

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

ROYDEN V. BROWN, Secretary.

Presented by Senator Washburn of Washington.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-FIVE

AN ACT Amending "Act to Create the Port of Portland Authority" and to Change the Name to Maine Port Authority.

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

Sec. 1. Section one of chapter one hundred fourteen of the private and special laws of nineteen hundred twenty-nine, as amended by chapter five of the private and special laws of nineteen hundred forty-one, is hereby further amended by striking out in the second line the words "Port of Portland Authority" and inserting in place thereof the words "Maine Port Authority," so that said section, as amended, will read:

"**Sec. 1.** There is hereby created "Maine Port 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."

Paragraph c of said section is hereby amended by striking out in the fourth line of said paragraph the words "sixty-two" and inserting in place thereof the word "forty," and by striking out in the seventh line thereof

the words "sixty-two," and inserting in place thereof the word "forty," so that said paragraph, as amended, will read :

"(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 forty 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 forty 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."

Paragraph d of said section one is hereby amended by striking out in the third and ninth lines thereof the words "sixty-two," and inserting in place thereof the word "forty," and by striking out in the ninth and eleventh lines thereof the word "fifty," and inserting in place thereof the words "forty-eight," so that said section as amended, will read :

"(d) The Port Authority shall have the right, in accordance with the procedure prescribed in chapter forty 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-eight of said chapter forty belonging to them or either of them, and by such complaint to invoke the jurisdiction conferred in such cases by said section forty-eight 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 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."

Section six of chapter one hundred fourteen of the Private and Special Laws of nineteen hundred twenty-nine, as amended by section two of chapter seventy-seven of the Private and Special Laws of nineteen hundred forty-three, is hereby further amended by striking out in the first line of said section the words "Port of Portland Authority," and inserting in place thereof the words "Maine Port Authority," so that said section, as amended, will read:

"The Maine Port 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 con-

trolling, 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."