

MAINE STATE LEGISLATURE

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NINETY - SECOND LEGISLATURE

Legislative Document

No. 972

H. P. 1328

House of Representatives, March 6, 1945.

Received by unanimous consent, referred to the Committee on Legal Affairs, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Payson of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-FIVE

AN ACT to Incorporate the Portland Wharf District.

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

Sec. 1. Incorporation; name; purposes. The inhabitants and territory within the city of Portland in the county of Cumberland shall be, and hereby are, constituted a body politic and corporate under the name of the Portland Wharf District for the purpose of the building and maintenance of public wharfs in the city of Portland.

Sec. 2. Powers. Whenever the state of Maine shall issue its bonds not to exceed the amount of \$10,500,000 for the building and maintenance of public wharfs in the city of Portland, the Portland Wharf District is hereby authorized to assume the payment of such bonds in an amount not to exceed \$500,000, payable within 30 years at a rate of interest not exceeding 2% per year. Provided, however, that such district shall not assume such payment unless in the opinion of the trustees it is necessary in order to assure the building and maintenance of such wharfs.

Sec. 3. Trustees, how chosen; powers and duties; term of office; compensation; annual report. All the affairs of said district shall be managed by a board of trustees composed of 3 members to be appointed by the city council of the city of Portland, but no member of the city council shall, during the term for which he is elected, be appointed one of said board of

trustees. As soon as convenient after the members of said board have been appointed, said trustees shall meet and organize by the election of a president and clerk, adopt a corporate seal and when necessary choose a treasurer and all other needful officers and agents for the proper conduct and management of the affairs of said district. At said first meeting they shall determine by lot the term of office of each trustee so that one shall serve for 1 year, one for 2 years and one for 3 years, and whenever the term of office of a trustee expires, his successor shall be chosen by the city council of the city of Portland. The term of office of the trustees shall begin on the 1st Monday in April and the term of office of the trustees first chosen shall be considered to date from the 1st Monday of April next prior to their election. All trustees shall be eligible to reappointment. They may also ordain and establish such by-laws not inconsistent with the laws of the state as are necessary for their own convenience and the proper management of the affairs of said district. Said trustees may have the use of the municipal offices of the city of Portland for the transaction of their business. Each member shall receive in full compensation for his services an allowance of \$50 per annum, or such other sum as may be approved by the city council of the city of Portland. At the close of each fiscal year the trustees shall make a detailed report of their doings, of the receipts and expenditures of said wharf district, of its financial and physical condition, and of such other matters and things pertaining to said district as shall show the inhabitants of said district how said trustees are fulfilling the duties and obligations of their trust. Such reports shall be made and filed with the city council of the city of Portland on or before March 1st of each year.

Sec. 4. Incidental powers granted. All incidental powers, rights and privileges necessary to the accomplishment of the main object herein set forth are granted to the corporation hereby created.

Sec. 5. Trustees to issue warrant to meet obligations. The trustees of the "Portland Wharf District" shall annually determine the sum of money required each year to meet the bonds falling due, the interest on bonds or other obligations, and other necessary expenses of the district, and shall each year thereafter, before the 1st day of April, issue their warrant in the same form as the warrant of the treasurer of state for taxes, with proper changes, to the assessors of the city of Portland, requiring them to assess the sum so determined upon the taxable polls and estates within said district and to commit their assessment to the constable or collector of the city of Portland, who shall have all and the same authority and powers to collect said taxes as is vested 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 said city shall pay the amount of the tax so assessed against said district, to the treasurer of said district. In the case of the failure on the part of the treasurer of the city to pay said sum, or in case of his failure to pay any part thereof before said 31st day of December of the year in which said tax is so levied, the treasurer of said district may issue his warrant for the amount of said tax or so much thereof as shall then remain unpaid, to the sheriff of Cumberland county, requiring him to levy by distress and sale on real and personal property of any of the inhabitants of said district, and the sheriff, or either or any of his deputies shall execute said warrant, except as otherwise provided herein. 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 trustees of said district in relation to the collection of taxes within said district.

Sec. 6. When trustees cease to function. At such time as the bonds mentioned in section 2 have been fully and completely paid, the board of trustees shall automatically cease to function.