

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

N I N E T Y - S E C O N D L E G I S L A T U R E

Legislative Document

No. 1202

H. P. 1495

House of Representatives, July 9, 1946

Received by unanimous consent. Referred to Committee on Legal Affairs. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Emerson of North Haven.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-SIX

AN ACT to Incorporate the North Haven Port District.

Emergency preamble. Whereas, the inhabitants of the town of North Haven are without safe, adequate, and economical transportation to the mainland; and

Whereas, the welfare, health and safety of the inhabitants of the town of North Haven require safe, adequate and economical transportation to the mainland; and

Whereas, existing facilities are not only inadequate but dangerous as well; and

Whereas, in the judgment of the legislature these facts create an emergency within the meaning of section 16, part third, article IV of the constitution of Maine as enacted by article XXXI, and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. North Haven Port District, incorporated. The inhabitants and territory within the town of North Haven in the county of Knox are hereby created a body politic and corporate under the name of "North Haven Port

District" for the purpose of purchasing, maintaining and operating a boat or boats, airplane or airplanes or other means of transportation together with wharves, landing places and all other appurtenances necessary for the operation of an adequate passenger and freight transportation service together with wharves, landing places and all other appurtenances necessary for the operation of an adequate passenger and freight transportation service to and from the town of North Haven, and so long as said district operates a boat, no other regular scheduled passenger and/or freight boat shall be operated from said island without permission of the trustees.

Sec. 2. How managed. All the affairs of said district shall be managed by a board of trustees composed of 5 members, who shall be elected as hereinafter provided.

Sec. 3. Board of trustees, how elected; terms; reports. The trustees shall be elected, subject to the acceptance of this act, by a majority of the legal voters at a regular or special town meeting pursuant to an appropriate article in the warrant therefor. The terms of office of the trustees shall be for 1 year. As soon as convenient after election, they shall organize by the election from their own membership of a president, clerk and treasurer, adopt a corporate seal and may employ all needful officers and agents for the proper conduct and management of the affairs of the district and annually thereafter at the beginning of each municipal year the trustees shall organize as hereinbefore provided.

In case a vacancy shall arise in the membership of the board of trustees, by death, resignation, or otherwise, it shall be filled by appointment made by the board of selectmen of said town of North Haven as soon as practical, for the unexpired term of the trustee who has caused the vacancy. All such trustees shall be eligible for reelection. They shall receive such compensation as the town in town meeting shall determine. They shall keep the funds of the district separate from the funds of the town and keep accurate accounts of the receipts and expenditures of the district. As soon as practical after the close of each calendar year the trustees shall make a detailed report of their doings, of the financial condition of the district and such other matters pertaining to the district as shall show the inhabitants of the town how they are fulfilling the duties and obligations of their trust, said reports to be made, attested to and filed with the municipal officers of the town.

Sec. 4. How financed. The district is hereby authorized to issue its bonds or notes not exceeding the sum of \$100,000. Said bonds or notes may be issued to mature serially or for such periods as the trustees may

determine. If the former, provision shall be made for the retirement of not less than 5% of the outstanding obligations annually after the first 2 years. If the latter, a sinking fund equal to at least 5% of the total issue shall be set up annually after the first 2 years. All notes or bonds issued by said district shall be signed by the treasurer and countersigned by the president of said district and if coupon bonds be issued, each coupon shall be attested by the facsimile signature of the treasurer printed thereon. All other terms and conditions of said bonds or notes shall be subject to the approval of the trustees.

Sec. 5. Powers. The district shall be empowered to do all that is necessary to insure adequate freight and passenger transportation to and from the town of North Haven, including the purchase of a boat or boats, airplane or airplanes or any other desirable means of transportation, and the establishment of docking and wharf facilities. The district shall also be empowered, but not required, if requested by the municipal officers of the towns of Vinalhaven, Stonington, Swan's Island, and Isle au Haut, to furnish freight and passenger transportation to and from such towns, on such terms and for such period as may be agreed upon between said municipal officers of said towns and the board of trustees of this district.

Sec. 6. Deficit, if any; how met. The district shall operate on a calendar year beginning January 1 and ending December 31 of each year. The trustees of the district shall at the end of each calendar year determine whether or not the district has been operated at a loss and what sum, if any, is required to meet the bonds or notes falling due, the interest on said bonds or notes, and other necessary expenses for the ensuing year, and shall, before the 1st day of April of each year issue their warrant in substantially the same form as the warrant of the state treasurer for taxes, with proper changes to fit the situation, to the assessors of the town of North Haven, 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 said town of North Haven, who shall have all 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 town shall pay the amount of the tax so assessed against said district to the treasurer of said district. In case of the failure on the part of the treasurer of the town to pay said sum on or before said 31st day of December of the year in which said tax is 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 Knox 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. 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. 7. Effective date of act; referendum. In view of the emergency recited in the preamble, this act shall take effect when approved only for the purpose of permitting its submission to the legal voters of the town of North Haven at any regular or special meeting of said town. Such meeting or meetings shall be called for that purpose by an appropriate article inserted in the call for such meeting. Such meeting shall be called, advertised and conducted according to the law relating to municipal elections. The town clerk shall prepare the required ballots for the election or meeting, upon which he shall reduce the subject matter of this act to the following question: "Shall 'An Act to Incorporate the North Haven Port District' be accepted?" and the voters shall indicate by a cross placed over the words "Yes" or "No" their opinion of the same. This act shall take effect for all the purposes of this act immediately upon the acceptance of this act by a majority of the legal voters voting at said meeting.

The result of the vote in said town shall be declared by the municipal officers thereof, and a certificate thereof shall be filed by the clerk of said town with the secretary of state.