

MAINE STATE LEGISLATURE

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NINETY-FOURTH LEGISLATURE

Legislative Document

No. 193

S. P. 131

In Senate, January 27, 1949.

Referred to Committee on Federal Relations, sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary.

Presented by Senator Leavitt of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-NINE

AN ACT Concerning Harbor or River Improvements and Protection of
Property Against Floods or Erosion.

Emergency preamble. Whereas, the Congress of the United States has approved certain projects as described in House Document No. 510, 79th Congress, 2nd Session, in connection with the development and improvement of New England rivers and harbors; and

Whereas, one of said projects is the dredging of the harbor at Portland, Maine; and

Whereas, the completion of said project is expressly conditioned upon local interests, to wit, local cities and towns agreeing to hold and save the United States free and harmless from damages due to construction and maintenance of said work; and

Whereas, the cities of Portland and South Portland are without authority to execute any agreement to free the United States from any liability in connection with this project; and

Whereas, the United States proposes to begin said project early in the spring of 1949 through its government contractors under supervision of the corps of engineers; and

Whereas, this project has been approved by the governor of Maine under the River and Harbor Act of 1945; and

Whereas, in the judgment of the legislature, these facts create an emergency within the meaning of the constitution of Maine 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:

R. S., c. 80, §§ 115-A - 115-F, additional. Chapter 80 of the revised statutes is hereby amended by adding thereto 6 new sections, to be numbered 115-A to 115-F, inclusive, to read as follows:

‘Harbor or River Improvements

Sec. 115-A. Harbor or river improvements. Any municipality in the state, by action of its legislative body, is authorized to negotiate, cooperate and enter into agreements with the United States and this state in order to satisfy the conditions imposed by the United States in authorizing any project for the improvement of navigation of any harbor or river and for protection of property against damage by floods or by erosion, provided such project shall have been approved by the governor.

Sec. 115-B. Joint action by municipalities. When any such improvement or protection project is located within 2 or more municipalities, such municipalities are authorized to undertake jointly any such action as is authorized by section 115-A.

Sec. 115-C. Condemnation; appropriations; bonds. In order to carry out the intent of sections 115-A to 115-F, inclusive, any municipality is authorized to acquire by condemnation any land, easements or rights-of-way required for any such improvement or protection project, and any municipality is authorized to make appropriations and to expend funds, in the manner provided by law, for any such improvement or protection project, and to issue bonds or other evidences of debt, subject to statutory limitations, for any such improvement or protection project.

Sec. 115-D. Federal government not liable for claims or damages. The governor, with the advice and consent of the council, is authorized to give assurances that the state will hold and save harmless the United States free from claims or damages resulting from such improvement or protection project and to enter into an agreement with the federal government for such purpose.

Sec. 115-E. State’s share of expense. When an appropriation has been

made by the legislature for such purpose, the governor, with the advice and consent of the council, is authorized to provide for the payment by the state of not more than $\frac{1}{2}$ of the cash contribution required by the federal government for any such improvement or protection project.

Sec. 115-F. Investigations. The governor, with the advice and consent of the council, is authorized to designate any state agency to make such investigation as is deemed necessary in connection with any such improvement or protection project.'

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