

# MAINE STATE LEGISLATURE

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

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Legislative Document

No. 813

S. P. 347

In Senate, February 21, 1951.

Referred to the Committee on Legal Affairs, sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Sleeper of Knox.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-ONE

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AN ACT Creating the Rockland Port District.

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

**Sec. 1. Rockland Port District, incorporated.** The inhabitants of and the territory within the city of Rockland, in the county of Knox, are hereby created a body politic and corporate under the name of "Rockland Port District" for the purpose of purchasing, maintaining and operating wharves, landing places and all other appurtenances necessary for the operation of an adequate passenger and freight transportation service by water.

**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. The board of trustees, acting for said district, shall have and exercise all the powers and authority necessary to carry out the purposes of this act and the powers and authority granted herein.

**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 city election, pursuant to an appropriate article in the warrant thereof. The terms of office of the trustees shall begin upon their election. As soon as convenient, 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.

At the first meeting of the trustees they shall determine by lot the term of office of each trustee so that 1 trustee shall retire each year and the terms of office of the 1st trustee to expire shall end at the end of the municipal year of the city of Rockland following the acceptance of this act; and thereafter the term of office of a trustee shall expire and his successor shall be elected by a majority of the voters at the annual city election. The trustees so elected shall serve the full term of 5 years and in case any vacancy arises in the membership of the board of trustees it shall be filled by the city council of the city of Rockland for the unexpired term. When any trustee ceases to be a resident of said district, he vacates the office of trustee and the vacancy shall be filled as aforesaid. All trustees shall be eligible for reelection. They shall receive such compensation as the city council shall determine. They shall keep the funds of the district separate from the funds of the city and keep accurate accounts of the receipts and expenditures of the district. At the close of each fiscal 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 thereof how they are fulfilling the duties and obligations of their trust, said reports to be made, attested to and filed with the city council of the city of Rockland.

**Sec. 4. How financed.** To procure funds for the purposes of this act, and for such other expenses as may be necessary to carry out said purposes, the said district, by its trustees, is hereby authorized from time to time to borrow money and to issue its bonds or notes therefor, but shall not incur a total indebtedness exceeding the sum of \$100,000. Said bonds 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 7½% of the total issue annually after the first 2 years. If the latter, a sinking fund equal to at least 7½% of the total issue shall be set up annually after the first 2 years. Each bond and note shall have inscribed upon its face the words "Rockland Port District," shall bear interest at such rates as the trustees shall determine, payable semi-annually, and shall be subject to such other provisions as the trustees shall determine. Bonds and notes issued by said district may be made callable at any interest date. 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. Said bonds and notes shall be legal obligations of said district, which is hereby declared to be a quasi-municipal corporation within the meaning of section 132 of chapter 49 of the revised statutes, and all the provisions of said section shall be applicable thereto. The said bonds and notes shall be legal investments for trust companies and savings banks.

**Sec. 5. Powers.** The district, through its trustees, is hereby authorized and empowered to do all that is necessary to insure adequate freight and passenger transportation facilities, including the purchase, lease or rental of land, wharves and docks necessary or desirable for the establishment of adequate docking and wharf facilities in the city of Rockland.

**Sec. 6. Deficit, if any; how met.** The fiscal year of the district shall be the calendar 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 is required, if any, to meet the bonds falling due, the interest on said bonds or other obligations, and other necessary expenses for the ensuing year, and shall, before the 1st day of April, issue their warrant in the same form as the warrant of the state treasurer for taxes, with proper changes, to the assessors of the city of Rockland, 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 city of Rockland, 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 city 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 city to pay said sum, or in case of his failure to pay any part thereof 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 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. Referendum; effective date; return to secretary of state.** This act shall take effect 90 days after the adjournment of the legislature, only for the purpose of permitting its submission to the legal voters of the city of Rockland at the next regular city election, or at a special city election called and held for the purpose at the regular voting places of the city by the officers of the city of Rockland authorized to call such special election within 1 year after the effective date of this act. Such special election shall be called, advertised and conducted according to the law relating to such municipal elections; provided that the board of registration in said city shall not be required to prepare for posting, nor the city clerk to post, a new list of voters; and for the purpose of registration of voters, said board shall be in session the 3 secular days preceding such election, the first 2 days to be devoted to registration of voters and the last day to enable the board to verify the corrections of said lists and to complete and close up their records of said sessions. A check list shall be used at such election. The city clerk shall prepare the required ballots, on which he shall reduce the subject matter of this act to the following question: "Shall 'An Act Creating the Rockland Port District,' passed by the 95th legislature, be accepted?" and the voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same. The result shall be declared by the municipal officers and due certificate thereof filed by the city clerk with the secretary of state.

This act shall take effect for all the purposes hereof immediately upon its acceptance by a majority of the legal voters voting at said election; provided that the total number of votes cast for and against the acceptance of this act at said election equaled or exceeded 20% of the total vote for all candidates for governor cast in said city at the next previous gubernatorial election.