

MAINE STATE LEGISLATURE

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NINETY - EIGHTH LEGISLATURE

Legislative Document

No. 667

H. P. 474 House of Representatives, February 12, 1957.
Referred to Committee on Legal Affairs. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Miller of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-SEVEN

AN ACT Relating to the Board of Harbor Commissioners for the Harbor of Portland and its Powers.

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

Sec. 1. P. & S. L., 1917, c. 192, § 2, amended. Section 2 of chapter 192 of the private and special laws of 1917 is hereby amended to read as follows:

'Sec. 2. Choice of members of first board, how effected, tenure of office, organization. The present boards of Harbor Commissioners for the City of Portland and of the city of South Portland shall, immediately after the taking effect of this act, or as soon thereafter as may be deemed advisable, meet separately and determine, by lot, the two members from each of said boards who shall constitute the members of the board hereby created; and as soon as such selections are made, the four persons so selected, shall meet and proceed to elect from the members of said board, a chairman and a ~~clerk~~ **treasurer, and said board may appoint a clerk who is not a member of said board**, adopt a corporate seal, and, may then, or at any time thereafter, adopt such rules and regulations as are necessary for the proper conduct of the business of said board; and at the same meeting, or as soon thereafter as practicable the board shall determine by lot the term of office of each member, so that one member shall retire each year; and a record of such action shall be made by the clerk of the board; and a certificate thereof, signed by the chairman and attested by the clerk, shall be filed and recorded in the records of the city of Portland, and in the records of the city of South Portland.'

Sec. 2. P. & S. L., 1917, c. 192, § 4, amended. Section 4 of chapter 192 of the private and special laws of 1917 is hereby amended to read as follows:

'Sec. 4. Harbor of Portland; limits described. The harbor of Portland shall include, and said board shall be vested with, jurisdiction over the entire harbor and tidal waters within the limits of the city of Portland, including the islands belonging thereto, and its tidal waters within the limits of the city of South Portland, and over the receiving basins and reservoirs of said harbor including the tidal waters of Fore river, Back cove, and northeasterly along the shore to the easterly side of the mouth of the Presumpscot river to the Grand Trunk Railway Company's bridge, and about said islands; ~~and also southerly and easterly of the lines of said harbor, so far as the jurisdiction of the state extends,~~ including all channels and entrances into said harbor, (so far as the same are not under the exclusive control of the United States), and also including all coves, inlets, and other parts where the tide ebbs and flows, within the limits of said cities.)

Sec. 3. P. & S. L., 1917, c. 192, § 6, amended. Section 6 of chapter 192 of the private and special laws of 1917 is hereby amended to read as follows:

'Sec. 6. Application for permission to build or extend wharves, etc., how made; procedure. Any person, firm or corporation intending to do any of the acts referred to in the preceding section, shall first make written application to said board, stating the location, limits and boundaries, as nearly as may be, of such intended erections, extensions, obstructions, filling or excavating, and ask a permit therefor. Said board, upon receiving such application, shall give at least five days' public notice of the pendency of said petition, and shall therein designate a day on which it will meet on, or near, the premises described in said application, and examine the same; and if, upon such examination and hearing of all parties interested, said board decides that such erection, extension, obstruction, filling or excavation, will not interfere with navigation, nor injure the rights of others, and determine to allow the same, it shall issue to the applicant a permit under the hands of its members and the seal of the board, authorizing such applicant to make the erection, extension, obstruction, filling, or excavation therein stated, and to maintain the same within the limits mentioned. The application, with the notice, and proceedings thereon, and the permit granted, shall be recorded by the clerk in a book kept for that purpose, to be entitled "Record of Permits Granted by the Board of Harbor Commissioners for the Harbor of Portland"; and no such permit shall be valid unless signed by at least three members of the board. Said board shall also fix a reasonable time for the completion of the work authorized under such permit. If the members of the board shall, at any time, be unable to agree upon any pending application, then they shall call upon ~~any judge of the federal court residing in the state~~ **the Attorney General of the State of Maine**, who shall, in such event, be qualified to act as a member of said board, and the decision of the majority of the board as then existing, shall be decisive of such application; and the permit, if any is issued, shall show that ~~such judge~~ **the Attorney General** acted on such matter.'

Sec. 4. P. & S. L., 1917, c. 192, § 7, amended. Section 7 of chapter 192 of the private and special laws of 1917, as amended by chapter 134 of the private and special laws of 1955, is hereby further amended to read as follows:

'Sec. 7. Members of board to receive no compensation; fee for permit, how expended. No compensation shall be paid by the State of Maine to the mem-

bers of said board for their services; but if a permit be granted, \$75 shall be paid by the petitioner to said board, the same to be applied by said board in paying expenses of the board in connection with applications for permits and in carrying out the purposes of this act.'