

MAINE STATE LEGISLATURE

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Legislative Document

No. 1319

H. P. 960

House of Representatives, March 19, 1957

Reported by Mr. Maxwell from the Committee on Legal Affairs and printed under Joint Rules No. 10.

HARVEY R. PEASE, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-SEVEN

AN ACT to Amend and Supplement the Charter of the Rockland Port District and the Charter of the City of Rockland.

Emergency preamble. Whereas, there is a serious need for adequate commercial freight and passenger transportation facilities in the Rockland Port District; and

Whereas, legislation is required to amend the charter of the Rockland Port District and to make related amendments to the charter of the city of Rockland before the construction thereof may be financed by the Rockland Port District; and

Whereas, the Federal Government is about to improve the harbor at Rockland and construction by the Rockland Port District of a commercial freight and passenger transportation facility should be accomplished this summer before the federal project is completed, in order to effect a substantial saving to the Rockland Port District; and

Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment; 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:

Sec. 1. P. & S. L., 1951, c. 108, § 1, amended. Section 1 of chapter 108 of the private and special laws of 1951 is hereby amended to read 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 **within said district** wharves, landing places and all other appurtenances necessary for the operation of an adequate passenger and freight transportation service by water.'

Sec. 2. P. & S. L., 1951, c. 108, § 4, amended. Section 4 of chapter 108 of the private and special laws of 1951 is hereby amended to read as follows:

'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 **at any one time outstanding** 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, provisions 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 semiannually, and shall be subject to such other provisions as the trustees shall determine. Bonds and notes issued by said district may be made callable **with or without premium on** ~~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~~ 136 of chapter ~~49~~ 53 of the Revised Statutes of 1954, 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. 3. P. & S. L., 1951, c. 108, § 5, amended. Section 5 of chapter 108 of the private and special laws of 1951 is hereby repealed and the following enacted in place thereof:

'Sec. 5. Powers. The district, through its trustees, is hereby authorized and empowered to acquire by purchase, lease or take by the exercise of the right of eminent domain, as hereinafter provided, or otherwise, and hold any land or real estate or easement therein or wharf or dock and to do all that is necessary or desirable to establish, maintain and operate adequate commercial docking and wharf facilities in the district. All of such property, wherever located, shall be exempt from taxation; provided, however, that nothing herein contained shall be construed as authorizing said district to take by right of eminent domain any of the property or facilities of the city of Rockland or of any other public service corporation or district used or aquired for further use by the owner thereof in performance of a public duty unless expressly authorized thereto by subsequent act of the Legislature.'

Sec. 4. P. & S. L., 1951, c. 108, § 5-A, additional. Chapter 108 of the private and special laws of 1951 is hereby amended by adding thereto a new section, to be numbered 5-A, to read as follows:

'Sec. 5-A. Procedure in exercise of the right of eminent domain. The trustees of said district may exercise the right of eminent domain vested in said district for the purposes of this act after hearing, notice of the time and place of the said hearing having been given by publication in a newspaper having a general circulation in the district, said publication appearing once a week for 2 successive weeks, the last publication to be at least 2 weeks previous to the time appointed for the hearing. The clerk of the said district shall keep a record of their proceedings, and their determination and decision, which shall set forth a description of the land or easement taken, and the owners, if known, and the amount of damages awarded therefor. In lieu of the notice for publication, said notice may be served in hand by an officer duly qualified to serve civil process in this State on the ordinary owner or owners of the premises involved, the same to be served at least 14 days prior to the time appointed for said hearing. Upon the signing of the record of said trustees, and a filing of the same in the registry of deeds for the county of Knox, said trustees may enter upon such land and take possession of the same or easement therein, as the case may be, for the purposes of this act. Any person aggrieved by the decision of said trustees, as it relates to damages for land or easements therefor so taken, shall have the same rights of appeal as provided in the laying out of town ways.'

Sec. 5. P. & S. L., 1951, c. 108, § 6-A, additional. Chapter 108 of the private and special laws of 1951 is hereby amended by adding thereto a new section, to be numbered 6-A, to read as follows:

'Sec. 6-A. Authority to receive property from the city of Rockland. The city of Rockland is hereby authorized to sell and convey to said district any property, real, personal or mixed, now or hereafter owned or held by said city of Rockland for commercial docking and wharf facilities used in connection with passenger and freight transportation service by water and any sum or sums of money which the city of Rockland may raise either by taxation or otherwise to be used for such purposes by said district.'

Sec. 6. The establishment of Rockland Port District approved. The establishment of Rockland Port District under and pursuant to chapter 108 of the private and special laws of 1951 is hereby validated and approved, and said district is hereby declared to be a duly constituted body politic and corporate.

Sec. 7. P. & S. L., 1945, c. 69, repealed. Chapter 69 of the private and special laws of 1945 is hereby repealed.

Sec. 8. P. & S. L., 1945, c. 125, Art. II, § 207, repealed and replaced. Section 207 of article II of chapter 125 of the private and special laws of 1945, is hereby repealed and the following enacted in place thereof:

'207. Recreational areas; commercial landing areas not to be maintained by city. The city council is authorized and empowered to enact from time to time ordinances establishing public bathing areas and small pleasure craft landing areas for recreational purposes and appropriate money for their acquisition,

maintenance, management and control. Such are hereby declared to be public purposes and a public use. The city may exercise for this purpose either or both the right of condemnation and the right of laying out a town way, all as provided by law, such town way being permissible to low water mark. The city shall not establish, operate or maintain commercial wharves or landing places for passenger and freight transportation or otherwise exercise authority granted to the Rockland Port District.'

Sec. 9. P. & S. L., 1945, c. 125, Art. II, § 220, amended. Section 220 of Article II of chapter 125 of the private and special laws of 1945 is hereby amended by adding thereto a new paragraph to read as follows:

'Should such a vacancy or vacancies occur less than 6 months prior to the next regular city election, and should the city council by vote deem it to be in the best interests of the city to fill such vacancy or vacancies, then the vacancy or vacancies shall be filled within 60 days of the date of such vote of the city council by a special election as above prescribed.'

Sec. 10. P. & S. L., 1945, c. 125, Art. VI, § 601, repealed and replaced. Section 601 of Article VI of chapter 125 of the private and special laws of 1945 is hereby repealed and the following enacted in place thereof:

'601. Fiscal year. The fiscal year of the city government shall begin on the first day of January and shall end on the last day of December of each calendar year. Such fiscal year shall also constitute the budget and accounting year. As used in this charter, the term "budget year" shall mean the fiscal year for which any particular budget is adopted and in which it is administered. To accomplish this change in fiscal year, the city council is hereby authorized to direct the Director of Finance to terminate the 1957-58 budget on December 31, 1957 and to lapse all unexpended balances into surplus and to draw up a new budget in accordance with the provisions of this charter for the fiscal and calendar year 1958, the entire amount of which, over and above anticipated miscellaneous revenues, shall be appropriated from surplus. It is understood that educational balances lapsed to surplus shall be in a lesser amount than the educational budget for the new fiscal year to protect the State's investment therein of statutory grants. The budget originally drawn for the fiscal year July 1, 1957 to June 30, 1958 shall be the budget used in computing the tax commitment for the 1958 tax, plus any emergency appropriations necessary in accordance with the terms of this charter.'

Sec. 11. P. & S. L., 1945, c. 125, Art. VI, § 609, amended. Section 609 of Article VI of chapter 125 of the private and special laws of 1945 is hereby amended to read as follows:

'609. Date of final adoption; failure to adopt. The budget shall be finally adopted not later than the ~~27th day~~ Friday before the 3rd Monday of the last month of the fiscal year. Should the council take no final action on or prior to such day, the budget, as submitted, shall be deemed to have been finally adopted by the council.'

Sec. 12. P. & S. L., 1945, c. 125, Art. VI, § 621, amended. Section 621 of Article VI of chapter 125 of the private and special laws of 1945, as amended

by section 5 of chapter 96 of the private and special laws of 1951, is hereby further amended to read as follows:

'621. Miscellaneous revenues. Miscellaneous revenues shall include anticipated revenues from the collection of taxes other than the general property tax; the amount of state aid to be received; the amount by which the city is expected to benefit from taxes collected by the State; the amounts estimated to be received from services and sales, fines and forfeitures, **parking meter receipts**, special assessments and any other special or non-recurring sources.'

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