

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE.

1887.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1887.

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**Chapter 123.**

An Act to authorize certain public improvements to be made at Back Cove and Fore River in Portland Harbor.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :*

Land belonging to State, ceded to city of Portland.

SECT. 1. All the lands, flats, shores and rights in tide waters, belonging to the state, at Back Cove and Fore River in Portland harbor, are hereby ceded to the city of Portland.

Mayor shall appoint a board of commissioners to have charge of lands.

SECT. 2. The mayor of the city of Portland may appoint, subject to the approval of the board of aldermen, a board of three commissioners, citizens of said city, who shall have full charge and control in behalf of the city of Portland, of all the lands, flats, shores and rights ceded to said city by the first section of this act.

Tenure.

SECT. 3. At the first appointment under this act, the commissioners shall be appointed for three, four and five years respectively ; and thereafter, at the expiration of each term, one shall be appointed to hold for the term of five years.

Power of mayor to remove.

SECT. 4. The mayor, with the advice and consent of the aldermen, after hearing and for cause shown, may remove a commissioner during his term. Vacancies in the board of commissioners shall be filled by appointment of the mayor and approval of the aldermen.

—vacancies, how filled.

Bond of commissioner.

SECT. 5. Each commissioner shall give bond to the city for fidelity in office, in such sum and with such sureties as the mayor and aldermen of Portland shall approve, and shall receive such compensation for his services as the mayor and aldermen shall determine.

—compensation.

Board shall have power to exercise right of eminent domain for preserving public health.

SECT. 6. Said board of commissioners shall have power, by purchase in the name and behalf of the city of Portland, to acquire any other lands and rights at said Back Cove and Fore River, for the purpose of completing the public improvements authorized by this act, and also to take the same in the exercise of the right of eminent domain, for the purpose of abating a public nuisance and preserving the public health and for other public purposes. The method of procedure in taking private property, above or below high water mark, for public purposes under this act, and in recovering compensation therefor, shall be substantially the same as that provided in the ninth section of the charter of the city of Portland, for taking lands for streets or public ways. In proceeding under

— procedure.

this act, the said board of commissioners shall take the place and act instead of the joint standing committee of the two boards of the city council, and shall also have the full powers conferred upon the city council itself, by the ninth section of the city charter. The commissioners may settle by agreement or by arbitration the amount of damage sustained by any person in his property, by reason of the taking of any lands, flats or rights as aforesaid.

—damages, how settled.

SECT. 7. All the property ceded to the city of Portland by this act, or subsequently acquired by it under the terms of the preceding section, shall be under the general charge, control and management of the commission hereby created, and the commissioners may dredge, fill, improve, occupy, lease or sell the same, subject to the authority of the United States government and of any act of Congress. Said commissioners may make all lawful contracts to promote the objects of the commission. Said commission may provide a dumping ground or place of deposit for any material dredged within the limits of Portland harbor. Any person who shall remove by dredging any material from within the harbor limits, shall be obliged to deposit the same where directed by said commission, provided, the same dumping ground or place of deposit is within four miles of said city, and no objection is made to it by the United States engineer in charge of work in Portland harbor. This requirement shall not apply to dredging done by authority of the United States government.

All lands acquired shall be under control of commissioners.

—may dredge, etc.

—make contracts.

—provide dumping grounds, etc.

SECT. 8. To provide means for carrying on the public improvements hereby authorized, and thereby removing the danger to the public health, arising from the polluted condition of said flats, the city of Portland is authorized, whenever the same can be done consistently with the constitutional limitation upon municipal indebtedness, to issue its bonds to an amount not exceeding one hundred thousand dollars, payable within a period not exceeding twenty years. The bonds shall be issued as the city council shall direct, shall be negotiated by the city treasurer, under the direction of the mayor, and the proceeds thereof shall be delivered to the commissioners hereby appointed, upon their warrant, when required for the purposes of the commission.

City authorized to issue bonds to provide means to carry on public improvements.

SECT. 9. To provide for the payment of the bonds issued under this act, a sinking fund shall be established, to be under the direction of said commissioners. All moneys received from

Sinking fund shall be established, to provide payment of bonds.

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the income of leases, or from sales of property, and all other moneys received by said commissioners, except from the proceeds of the bonds hereby authorized to be issued, shall be placed to the credit of said sinking fund. The commissioners shall, from time to time invest, the moneys on hand securely, so that they shall be productive; and the same may be invested in the bonds issued under this act, or in any other bonds of the city of Portland, or of the state of Maine, or of the United States, which securities shall be held for the increase of the sinking fund. The commissioners may, from time to time, sell and transfer any of said securities.

City treasurer shall have care of all moneys and bonds.

SECT. 10. The city treasurer shall have the care and custody of all moneys received from the sale of bonds, and shall be responsible on his official bond for their safe keeping. He shall also have the care and custody of, and be responsible for, all the securities of the sinking fund. He shall pay out said moneys only upon the warrant of the commissioners.

Excess of accumulations may be appropriated to any lawful purpose.

SECT. 11. Whenever the accumulations of said sinking fund shall be in excess of the amount required for the redemption of said bonds, the city council of Portland may appropriate such excess to the objects of the commission hereby created, or to any lawful municipal purpose.

City may raise money by taxation instead of issuing bonds.

SECT. 12. Instead of issuing bonds, the city council of Portland may make appropriations, from moneys raised by municipal taxation, for the same purposes for which the bonds of said city are by this act authorized to be issued, to be paid to said commissioners by the city treasurer upon their warrant as hereinbefore provided, in regard to the proceeds of said bonds; and in that event, all moneys received by said commissioners from the lease or sale of real estate, or from whatever source, shall be paid directly into the treasury of the city of Portland.

Authority of harbor commissioners shall not be limited hereby.

SECT. 13. Nothing contained in this act shall have the effect to modify or limit the authority of the harbor commissioners of Portland.

SECT. 14. This act shall take effect when approved.

Approved February 18, 1887.