

# MAINE STATE LEGISLATURE

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# Acts and Resolves

As Passed by the

## Seventy-Eighth Legislature

OF THE

# STATE OF MAINE

1917

Including Acts and Resolves of the Special Session of the  
Seventy-Seventh Legislature held in 1916.

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Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Seventy-Eighth  
Legislature

1917

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town clerk shall have been chosen in the manner now provided by law. A duplicate list of the qualified voters shall be prepared for the use of the ballot clerks, and all provisions of law relative to the preparation, furnishing, use and preservation of check lists shall apply to such duplicate lists.

**Sec. 14. Plurality vote; procedure in case of tie.** Except as herein provided, the election shall be conducted as now provided by law. All officers voted for in the manner as herein provided shall be elected by a plurality vote. In case of failure to elect any officer or officers so voted for by reason of a tie vote, the meeting shall be adjourned to a day certain, when such officer or officers shall be chosen as herein provided.

Approved April 7, 1917.

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## Chapter 192.

An Act to Create a Board of Harbor Commissioners for the Harbor of Portland, and Define its Powers.

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

**Sec. 1. Board of Harbor commissioners created; vacancies, how filled.** Four persons shall be selected in the manner provided for by section two of this act, two of whom shall always be residents of the city of Portland, and two residents of the city of South Portland, to be known as the Board of Harbor Commissioners for the Harbor of Portland, hereinafter referred to as the board. Whenever a vacancy occurs in the board by reason of the expiration of the term of service, the governor, with the advice and consent of the council, shall fill such vacancy, and the person so appointed shall hold said office for the term of four years. In the event of the death or resignation of any member of said board, or his removal from the city of which he was a resident at the time of his appointment, the governor, with the advice and consent of the council, shall fill said vacancy by the appointment of a resident of the same city; and the person so selected shall continue to hold said office until the end of the term of the one he succeeds, provided, however, that nothing in this act shall be construed to affect the eligibility for service of any member of either board of said cities as now constituted.

**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, 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

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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. 3. Location of office; maps, charts, etc. of present boards to be transferred and preserved; reports to be made to respective boards before expense is incurred.** Said board shall have an office in the city of Portland in which shall be kept all maps, charts, plans, and documents relating to the lands and waters over which it has control; and the present boards of commissioners for the city of Portland and for the city of South Portland, shall deliver to the board hereby created, such maps, charts, plans, and documents now in the custody of said boards respectively, relating to the waters and lands heretofore in charge of said boards. And the boards shall adopt measures to preserve and protect said maps, charts, plans and documents, and arrange so that they may be accessible to those interested, under such rules and regulations as said board may adopt. Said board shall make, or cause to be made, such further maps and plans for the comprehensive development of said harbor and the approaches thereto as it may deem proper; and to accomplish said end, the members of said board shall keep themselves informed of the present and probable future requirements of steamships and shipping, and as to the best means which can be provided at said port for the accommodation thereof; and it shall also investigate and determine, so far as practicable, what improvements can be made to said harbor by changing the location of the breakwater, enlarging anchorages, deepening channels and establishing and maintaining such further lights, buoys and other aids to navigation as will make the docks safer and more advantageous, and the approach and entrance to said harbor more practicable; but said board, before incurring any expense under this act, shall submit a report in writing to the mayor and city council of said city of Portland, if the proposed improvement relates to that part of the harbor within the limits of that city; and a like report to the mayor and city council of said city of South Portland, if the proposed improvement relates to that part of the harbor within the limits of the latter city, stating what action it deems necessary in the furtherance of the purposes of this act, and asking for the necessary appropriation to accomplish such ends.

**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 exclu-

sive 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. 5. Board may establish harbor lines; extension and alterations of wharves, etc., without consent of board, prohibited.** The board may, from time to time, establish harbor lines over the whole, or any part, of the waters and territory within its jurisdiction; and thereafter from time to time, alter and modify the same as in the judgment of said board changes in navigation may require.

The creation or maintenance of any obstruction in any of the navigable waters of said harbor, or in any part of said harbor under the jurisdiction of said board (except by the United States), without first obtaining a written permit from said board, is hereby prohibited; and it shall be unlawful to enlarge, or extend any wharf heretofore built, or to build, or commence to build, any wharf, pier, dolphin, bulkhead, or other structure, or dump any stones, or other material into any of the waters, or upon any part of the flats, or to excavate any part of said harbor, or to fill in any part thereof, or modify the course, location or condition of the water of said harbor without such permit.

**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, 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 acted on such matter.

**Sec. 7. Members of board to receive no compensation; fee for permit, how expended.** No compensation shall be paid to the members of said

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board for their services; but if a permit be granted, twenty-five dollars 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.

**Sec. 8. Penalty for violation and for pollution of harbor waters.** Whoever shall violate any provisions of this act or who shall pollute the waters of said harbor, other than through the ordinary use of sewers and drain pipes, shall be deemed guilty of misdemeanor, and liable to prosecution therefor, in any court of competent jurisdiction; and on conviction, be punished by fine not exceeding five hundred dollars; and may also be sentenced to pay all expenses for the abatement or removal of such erection, obstruction, or deposit, and stand committed until the same shall be paid or satisfactory security given therefor.

**Sec. 9. Writs of injunction.** Whenever on application of the board it shall be made to appear to the supreme judicial court, at any term thereof holden in the city of Portland, or to any justice thereof out of term time, that any person, firm or corporation is violating, or has violated any provision of this act, such court or justice may forthwith issue a writ of injunction to stay all proceedings adjudged to be in violation of this act until further order, and may after hearing dissolve, continue, or make such injunction permanent and grant such further relief as justice may require, and may adjudge that the person, firm, or corporation so violating any provision of this act, shall pay all costs and expense of such proceeding.

**Sec. 10. Pilots; board may issue a branch upon examination; shall be recorded; subject to revocation.** Said board shall appoint such number of pilots for the harbor of Portland as it deems necessary for the safety and convenience of commerce, fix and establish such compensation for the services of said pilots as may, from time to time, be deemed just and reasonable. Persons desiring a branch shall make written application to said board, stating their qualifications therefor; and said board shall make careful examination and investigation of the qualifications of the applicant, and if satisfied that he has the requisite qualifications, may give the applicant a branch under the hands of its members and the seal of the board, authorizing such person to act as pilot for the term of one year from the date of his appointment; and thereafter, said board may from time to time, renew the same.

Said branch may be revoked at any time by said board, for negligence, incapacity, or for any other reason that said board may deem sufficient. The branch, so granted, shall be recorded by the clerk of said board in a book kept for that purpose, entitled "Pilots for the Port of Portland;" and the clerk shall receive from the applicant, for making said record, the sum of one dollar.

**Sec. 11. Board to establish harbor rules to be enforced by harbor master and deputy.** Said board shall, from time to time, adopt such rules and regulations as it deems necessary and proper, not inconsistent with law, for keeping open convenient channels for the passage of vessels in the waters under its control; and it may establish the boundary lines of such chan-

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nels and assign and provide suitable portions of said harbor for anchorages, and fix reasonable penalties for anchoring vessels in such channels. It may also fix reasonable penalties to be imposed upon any one in charge of any vessel which shall not be promptly moved after notice of any violation of this section. It may grant special permits to wrecking plants and others requiring the temporary use of any part of such channels; fix and determine the time when, and the circumstances under which, vessels may lie at the ends of or alongside of wharves; and upon what notice they shall move from such location. The rules and regulations so adopted, shall be enforced and carried out by a harbor master and deputy appointed by the board in the manner provided in the following section and it shall be the duty of said harbor master, or his deputy, to collect in the name of said board, all penalties incurred for the violation of such rules and regulations as may be advised by said board; and the moneys so received shall be applied by said board in carrying out the purposes of this act.

**Sec. 12. Harbor master and deputy; appointment, tenure, compensation; city of Portland to provide for transportation facilities.** Said board shall appoint some competent person as harbor master and also a deputy, but before either shall be qualified to act, their appointment shall be approved by the mayor of the city of Portland; and the persons so appointed shall receive such compensation as the city council of said city of Portland shall, from time to time, fix and allow. In the absence, or inability of said harbor master to act, the deputy shall have all the powers and authority of the harbor master. The harbor master and deputy shall hold office for the term of one year from the date of the approval of their appointment; but either may be removed by said board at any time for negligence, inefficiency, or for any other reason deemed sufficient by the board; and said board shall fill the vacancy thereby occasioned, in the manner hereinbefore provided. The harbor master shall be provided by the city of Portland with transportation necessary for the performance of his duties.

**Sec. 13. Harbor master or deputy may cause vessels to change anchorage; additional powers.** Said harbor master, or his deputy, shall cause any vessel or vessels, anchoring within the channel lines established by said board, or anchoring in such a manner that any portion of the hull, spars or booms shall extend beyond said lines, due to the tide or wind, or which said harbor master finds in any manner obstructing the free movement or anchorage of vessels in any part of said harbor, to move to such anchorage as he may designate for said purpose; and in addition to the powers prescribed by this act, said harbor master and his deputy shall have all the authority conferred upon harbor masters under the provisions of the general law.

**Sec. 14. Harbor master or deputy may put crew on vessel or may employ tug to enforce orders; lien created.** If any vessel violating the provisions of the two preceding sections is without a crew on board, or if the master or person in charge neglects or refuses to move such vessel upon the order of said harbor master, or his deputy, then such harbor master or his deputy, may put a crew on board, or he may employ a steam tug or oth-



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er tow boat and move such vessel at the cost and risk of the owner or owners thereof; and the expense occasioned thereby shall constitute a lien upon said vessel, which said harbor master, or his deputy, may enforce in the name of said board in any manner authorized by law.

**Sec. 15. Assault upon or interference with harbor master or deputy.** If the harbor master or his deputy, is obstructed, hindered or delayed in the discharge of the duties of said office, or if any assault is committed upon either of them while in the discharge of their duties, or upon any person assisting them, under the provisions of this act, such harbor master or his deputy, shall have authority without warrant to arrest such person, or persons, so violating the provisions of this act, and deliver them to the police authorities; and such person or persons, upon conviction shall be punished in the manner now provided by law for similar offenses.

**Sec. 16. Jurisdiction extended to other offenses.** The harbor master, and such of the policemen of the city of Portland as may at any time be assigned to the policing of said harbor, shall have the right to pursue and arrest without warrant, any person found violating any of the laws of this state, or who are violating or may have violated any of the rules and regulations issued by said board under any provisions of this act; and said harbor master or such policemen may pursue and arrest such person upon any of the waters of Casco bay, or upon any of the islands in any of the towns where such person may be found.

**Sec. 17. Board to report annually.** The board shall, on the first day of December of each year, or as soon thereafter as practicable, submit a report of the doings of the board to the mayor and city council of the city of Portland, and a like report to the mayor and city council of the city of South Portland. It shall also make such recommendations respecting legislation both by the state and federal governments, as in its opinion may be necessary or expedient to develop the commerce of said port, improve the access thereto, and enable said board to administer more efficiently the affairs of said port, regulate the shipping therein, and provide for the use of the piers, docks and terminal facilities, and also for improving the pilotage service at said port.

**Sec. 18. Compensation of members of board.** The two members of the board residents of said city of Portland, shall be entitled to receive from said city, such compensation for services actually performed by them as the city council of said city may from time to time, fix and allow; and the two members of the board, residents of said city of South Portland, shall receive from said city of South Portland, such compensation for the services actually performed by them as the city council of said city of South Portland may, from time to time, fix and allow.

**Sec. 19. Inconsistent statutes repealed.** Chapter six hundred and fifty-four of the private and special laws approved on the third day of April, eighteen hundred and fifty-six; chapter one hundred and fifty-one of the private and special laws approved on the eighteenth day of February, eighteen hundred and fifty-eight; chapter one hundred and sixty-one of the private and special laws approved on the twenty-fourth day of February,

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eighteen hundred and fifty-eight; chapter five hundred and fifty-four of the private and special laws approved on the twenty-fourth day of February, eighteen hundred and seventy-four; chapter three hundred and eighty-three of the private and special laws approved on the seventh day of February, eighteen hundred and seventy-seven; chapter sixty-one of the private and special laws approved on the twenty-fourth day of February, eighteen hundred and eighty-one; chapter thirty of the private and special laws approved on the twelfth day of February, eighteen hundred and ninety-five; chapter three hundred and forty-eight of the private and special laws approved on the thirty-first day of March, nineteen hundred and seven; chapter three hundred and one of the private and special laws approved on the twenty-fourth day of March, nineteen hundred and nine; chapter one hundred and eighty-four of the private and special laws approved on the first day of April, nineteen hundred and fifteen; and an act to authorize the board of harbor commissioners of the city of Portland to alter and modify the harbor line, approved September thirtieth, nineteen hundred and sixteen, relating to the harbors of Portland and South Portland, and the boards of commissioners for said harbors, are hereby repealed; and all acts amendatory of, or additional to, the aforesaid acts; and all acts or parts of acts, inconsistent with the provisions of this act, so far as they apply to the harbors of Portland and South Portland, are hereby repealed.

Approved April 7, 1917.

## Chapter 193.

An Act to Create the Auburn Sewerage District and Transferring to it the Sewer System of the City of Auburn.

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

**Sec. 1. Auburn Sewerage District created; affairs managed by board of six trustees; choice, tenure, organization, qualification; ex-officio members.** The territory and people constituting the city of Auburn shall constitute a body politic and corporate under the name of the Auburn Sewerage District for the purpose of maintaining and extending the sewer system in said district in accordance with the subsequent provisions of this act. Said district shall have a common seal and power to sue and be sued. The affairs of said sewerage district shall be managed by a board of six trustees, which in the first instance shall be the present members of the Auburn Water Commissioners. The trustees of the Auburn Sewerage District hereby created shall each hold office according to the respective terms of office which they now hold as members of the Auburn Water Commissioners, and upon the expiration of said terms of office one trustee shall thereafterwards be elected annually in the month of March by the city council of Auburn to serve for a term of six years. The city council may at any time fill any vacancy in said trustees caused by death, resignation or otherwise, or in the first instance by the refusal to act of any member or members of the Auburn Water Commissioners above denominated; in such case, however,