

MAINE STATE LEGISLATURE

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Acts and Resolves

As Passed by the

Seventy-Ninth Legislature

OF THE

STATE OF MAINE

1919

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Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Seventy-Ninth
Legislature

1919

Chapter 84.

An Act to Provide for the Building of Public Wharves and for the Establishment of Adequate Port Facilities and for the Advancement of Commerce.

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

Sec. 1. Board to be denominated "Directors of the Port of Portland" created; how appointed; chairman to be named by governor; chairman to receive \$4000 and each director \$500 annually. The governor, with advice and consent of the council, shall appoint four persons and the mayor of the city of Portland shall appoint one person, and the five persons so appointed, shall constitute a board to be known as the Directors of the Port of Portland, hereinafter called the directors. The terms of office of the persons first appointed by the governor shall be so arranged and designated at the time of their appointment that the term of one member shall expire in four years, one in three years, one in two years and one in one year from the first day of August, nineteen hundred and nineteen, and the term of office of the member appointed by the mayor shall expire in three years from the first day of August, nineteen hundred and nineteen. The governor shall appoint annually thereafter one member to serve for three years, as the term of any member appointed by him shall expire; and at the expiration of the term of the member appointed by the mayor, the mayor shall appoint a member to serve for three years. Any vacancy occurring among the directors shall be filled for the unexpired term by the governor or by the mayor, according as the vacancy occurs among the members originally appointed by the governor or by the mayor respectively. In all cases a member shall continue to serve until his successor is appointed and qualified. The governor shall designate the chairman, who shall receive as annual salary four thousand dollars and shall devote his whole time to the work of the directors. The other directors shall each receive an annual salary of five hundred dollars.

Sec. 2. Powers and duties of directors; may appoint engineers, clerks and other assistants and fix compensation. The Directors of the Port of Portland shall be the administrative officers of the port, shall cause to be made all necessary plans for the comprehensive development of the harbor, shall have immediate charge of the lands now or hereafter owned by the state upon or adjacent to the harbor front, and of the construction of piers and other public works therein, shall administer all terminal facilities which are under their control, shall keep themselves thoroughly informed as to the present and probable future requirements of steamships and of shipping, and as to the best means which can be provided at the port of Portland for the accommodation of steamships, railroads, warehouses and industrial establishments. The directors shall appoint such engineers, clerks, agents, assistants and other employees as they may deem necessary

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to carry out the purposes of this act, and shall determine the duties and compensation of such employees.

Sec. 3. Shall maintain office in Portland and may have access to maps, charts, etc., in possession of any other commission or public official. The directors shall have an office in the city of Portland in which they shall keep maps, charts, plans and documents relating to the lands and waters under their charge. The directors shall at all times have access to any other maps, charts, plans and documents relating to said waters and lands, in the office or custody of any other public board, commission or official.

Sec. 4. May take lands and rights for piers, storage yards, etc., and may build thereon. With the consent of the governor and council, the directors may take or acquire by purchase or otherwise, and hold, such real property and such rights and easements therein as the directors may from time to time consider necessary for the purpose of constructing, or securing the constructing or utilizing of piers and, in connection therewith, highways, waterways, railroad connection, storage yards and sites for warehouses and industrial establishments, and may lay out and build thereon such piers, with buildings and appurtenances, docks, highways, waterways, railroad connections, storage yards and public warehouses, as, in the opinion of the directors, may be desirable.

Sec. 5. Procedure to be employed in taking over lands, etc. In order to take any property by right of eminent domain, the directors shall within ninety days after voting to take any lands or easements therein file and cause to be recorded in the registry of deeds for the county in which the property to be taken is situated, a description thereof sufficiently accurate for identification, with a statement of the purposes for which the same was taken, signed by a majority of the directors. Notice of such proceedings shall be given to the owners thereof, if known, and the said notice shall be published once a week for three weeks in a newspaper regularly published in the county where the said lands or easements are situated. The recording shall operate as a taking of the real estate and of the rights and easements therein described. No taking shall be valid unless it is recorded in accordance with the provisions of this section. In the event that the owner or other persons beneficially interested in said lands or easements shall not consent to the taking thereof, said owner or other person beneficially interested therein shall begin proceedings to protect his or her interest in said lands or easements in the supreme judicial court in the county where said lands or easements are situated within sixty days after the recording of the said plan, which time may be enlarged by any justice of the supreme judicial court, in term time or vacation, upon petition setting forth sufficient cause therefor, filed within six months from the day of the filing of said plan. If the taking of said lands or easements

be permanently enjoined by the supreme judicial court on proceedings instituted therefor, such actual damages only as shall have been sustained shall be recoverable by the person whose lands were taken, or attempted to be taken, as aforesaid.

Sec. 6. Property damages to be paid from proceeds of bond issue; how damages shall be assessed. From the proceeds of bonds issued by the State of Maine for the purposes of this act as hereinafter provided, the treasurer of state shall pay all damages to property sustained by any person, firm or corporation by the taking of any land or any right or easement therein. Any person, firm or corporation sustaining damage as aforesaid, and failing to agree with the directors as to the amount thereof, may have the same assessed and determined in the manner provided by law in the case of land taken for the laying out of highways, on application at any time within three years after the taking of such land or right or easement therein; but no such application shall be made after the expiration of the said three years.

Sec. 7. Piers and other structures to be suitably equipped; directors to make rules and regulations and establish rates for use of. All piers and other similar structures built by the directors shall be equipped, either by the directors or by the lessees thereof, with suitable sheds, railway tracks, cranes and other machinery and accommodations for the convenient, economical and speedy loading and discharge of freight; and the directors may acquire, hold and operate such lighters and other vessels as may be convenient, and, in the opinion of the directors, needed for that purpose. The directors shall make such reasonable rules and regulations and shall charge such reasonable rates for the use of such structures and equipment as they may from time to time deem wise.

Sec. 8. May lease wharves, piers, etc., upon approval by governor and council; income collected from use of property acquired by directors to be paid into treasury of state. The directors shall have power to lease for a period not exceeding twenty years, under such covenants and conditions as they may prescribe, storage facilities, wharves, piers, bulkheads, docks, sheds, warehouses and industrial locations within their charge; but no lease for a term exceeding five years shall be valid until approved by the governor and council. The income from all wharfage and storage rates, use of cranes, lighterage, dockage and other charges, and from the leases of lands, storage structures, wharves, piers, docks, sheds, warehouses and industrial sites shall be collected by the directors and paid into the treasury of the State of Maine.

Sec. 9. Railroad companies to be provided with track connection to all piers, warehouses, etc.; piers, etc., to be accessible; railroad locations, traffic ways, etc., may be graded or surfaced upon approval of governor and

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council. The directors, with the approval of the governor and council, are authorized to grade and surface any suitable railroad locations or traffic ways which are or may be located on lands, flats or rights therein, now owned or hereafter acquired by the state under the provisions of this act, and to carry said ways or railroads over or under any railroad or railway location or public way in order to eliminate crossings at grade, and to provide suitable and convenient track connections between the rails serving any pier or piers and those of any existing or proposed railroad that now reaches or hereafter may reach Portland. All piers held or controlled by the directors shall also be accessible and open to all teaming and lighterage traffic, subject to such regulations as the directors may from time to time make. Upon application to the directors, any railroad company that now reaches or hereafter may reach Portland, either by its own rails or under trackage or traffic contract or agreement with any other railroad company, shall be provided by the directors with a track connection with the tracks serving such pier or piers.

Sec. 10. Directors to endeavor to obtain transfer without expense to state of water rights, etc. The directors shall take all proper measures to obtain from the city of Portland, without expense to the state therefor, a conveyance of all the present right, title and interest of the city in and to flats and rights of the city, which, in the opinion of the directors, are required for the development contemplated by this act, and the city of Portland is hereby authorized to make such conveyance, and also in furtherance of the development of the port to make conveyance to the directors, but only for maritime or commercial improvement, of any shore lands owned by it elsewhere, acquired either by purchase or taking.

Sec. 11. Directors to make plans for accommodation of largest vessels. It shall be the duty of the directors forthwith to make, and so far as may be practicable, to put into execution, comprehensive plans providing on the lands now owned or hereafter acquired by the city or state at the port of Portland adequate piers, capable of accommodating the largest vessels, and in connection with such piers suitable highways, waterways, railroad connections and storage yards, and sites for warehouses and industrial establishments.

Sec. 12. Directors to report to governor and council. The directors shall, on the first day of December of each year, submit a report to the governor and council, which report shall contain a statement of the doings of the directors during the preceding year and such recommendations as to legislation, as in the opinion of the directors, may be necessary or expedient to enable them better to administer the affairs of the port of Portland and to regulate the shipping therein and the use of the piers, docks and terminal facilities under the charge of the directors.

Sec. 13. Appropriation of \$10,000 for 1919. There shall be paid out of the treasury of the state, to be expended by the directors during the year ending on the thirty-first day of December, nineteen hundred and nineteen, the sum of ten thousand dollars for the salaries and expenses of the directors and for defraying the cost of the studies and plans described in section eleven of this act.

Sec. 14. Jurisdiction over violations. The supreme judicial court shall have jurisdiction in equity, upon information filed by the attorney general, of violations of the provisions of this act.

Sec. 15. Expense to be met by state bond issue, if constitutional amendment approved. From the proceeds of bonds issued by the State of Maine for the purposes of building and maintaining public wharves and for the establishment of adequate port facilities in the State of Maine as embodied in a resolution of the legislature proposing an amendment to article nine of the constitution, if said amendment shall be adopted the treasurer of state is hereby authorized with the approval of the governor and council, to disburse and pay such moneys as are herein authorized for the purpose of carrying out the provisions of this act. The said treasurer is further empowered to issue bonds as authorized by said proposed amendment, if the same be adopted, in such form and in such amounts not exceeding the total set forth in said proposed amendment, from time to time, as the governor and council may determine.

Approved March 31, 1919.

Chapter 85.

An Act to Repeal Chapter One Hundred and Eighty-one of the Private and Special Laws of Nineteen Hundred and Eleven, Chapter One Hundred and Thirty-five of the Private and Special Laws of Nineteen Hundred and Thirteen, Chapters One Hundred and Fifty-six and One Hundred and Seventy-eight of the Private and Special Laws of Nineteen Hundred and Fifteen, and Chapter Seventy-five of the Private and Special Laws of Nineteen Hundred and Seventeen, Granting the County Commissioners of the County of Cumberland the Right to Sell or Lease Certain Property.

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

Sec. 1. P. & S. L., 1911, c. 181; 1913, c. 135; 1915, c. 156 and 178; 1917, c. 75; relating to county farm for inebriates in Cumberland county, repealed. Chapter one hundred and eighty-one of the private and special laws of nineteen hundred and eleven, chapter one hundred and thirty-five of the private and special laws of nineteen hundred and thirteen, chapters one hundred and fifty-six and one hundred and seventy-eight of the private and special laws of nineteen hundred and fifteen, and chapter seventy-five of the private and special laws of nineteen hundred and seventeen, are hereby repealed.