

MAINE STATE LEGISLATURE

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Acts and Resolves

As Passed by the

Seventy-Ninth Legislature

OF THE

STATE OF MAINE

AT THE

SPECIAL SESSION

November 4-8, 1919

Supplementary to the Acts and Resolves of the Regular Session.

Published by the Secretary of State, in accordance with the Resolves of the
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Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Seventy-Ninth Legislature

AT THE

Special Session, November 4-8

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validated and made binding as though the words "one thousand nine hundred and nineteen" had been contained in said act instead of the words "one thousand nine hundred and twenty" and that the election of members of street board and all contracts, acts and doings of said board are hereby validated and confirmed.

Sec. 3. Emergency clause. By reason of said emergency this act will take effect when approved.

Approved November 7, 1919.

Chapter 117.

An Act to Incorporate the Portland State Pier Site District.

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

Sec. 1. Territorial limits and denomination. The territory and people included within the limits of the city of Portland, and the city of South Portland, shall constitute a body corporate and politic under the name of The Portland State Pier Site District.

Sec. 2. Officers of district to be known as Pier Site Commissioners; organization, powers and duties. The officers of said district shall be known as the Pier Site Commissioners and shall consist of the mayor and treasurer of the city of Portland and the mayor and treasurer of the city of South Portland and the member ex-officio of the board of directors of the port of Portland who shall have been appointed and designated by the mayor of the city of Portland or his successors in office, until the purposes of this act are fully accomplished, all of whom shall serve without pay, except as herein provided. The terms of office of said commissioners shall be co-terminous with their terms of office respectively as such mayors, treasurers and Directors of the Port of Portland, and their qualification to their respective offices as aforesaid shall also qualify them as officers of said Portland State Pier Site District. The said commissioners shall organize as soon as convenient after the passage of this act. The commissioners shall elect from their own number a president of the board, a treasurer and clerk of the district, and each shall perform the duties usually devolving upon such officers. The clerk shall keep a record of all meetings of said commissioners which shall be public records.

Sec. 3. District may acquire property for site; commissioners may employ necessary assistance. Upon requisition therefor in writing being made by the Directors of the Port of Portland, the Portland State Pier Site District may take or acquire by purchase or otherwise such real property and such rights and easements therein as the Directors of said Port

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of Portland may designate, for the purpose of securing a site or location, suitable for the erection, construction and building of the state pier authorized and provided for by chapter eighty-four of the private and special laws of nineteen hundred nineteen. Said Pier Site Commissioners may employ such engineers, clerks, attorneys, agents, assistants and other employees as they may deem necessary to carry out the purposes of this act and shall determine their duties and compensation.

Sec. 4. Mode of procedure in case of exercise of right of eminent domain by commissioners. In order to take any property by right of eminent domain, the Pier Site Commissioners shall, within ninety days after voting to take any lands or easements therein, upon requisition of the Directors of the Port of Portland, 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, and the names of owners, if known, with a general statement of the purposes for which the same was taken, signed by the commissioners or a majority of them. 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 successively 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. When, for any reason, the commissioners fail to acquire the property authorized to be taken and which is described in such description or when the location or description or both so recorded is defective or uncertain, the commissioners may at any time correct and perfect such description or location and file a new description or location in place thereof, and in such case there shall be liability in damage only for property for which the owner had not previously been paid, to be assessed as of the time of the original taking, and there shall be no liability for any act which would have been justified if the original taking had been lawful. No entry shall be made upon any private lands, except to make surveys and borings until the expiration of ten days from said filing, whereon possession may be had of all said lands or interests therein or easements so taken.

Sec. 5. District to pay damages from proceeds of bonds in case site is acquired either by directors or commissioners; procedure in case of disagreement as to damages. In the event that the Directors of the Port of Portland shall themselves proceed to acquire land for a site or location of said pier, as authorized by chapter eighty-four of the private and special laws of nineteen hundred nineteen and acts amendatory thereof and additional thereto, and shall not make requisition upon

said Portland State Pier Site District for said location or site, the said district, from the proceeds of bonds issued as herein provided for, for the purposes of acquiring a site or location for said pier, 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, by the Directors of the Port of Portland.

If, however, said district shall itself acquire said site or location for said pier, the said district, from the proceeds of the said bonds, shall pay all damages to property sustained by the taking of such land or any right or easement therein.

Any person, firm or corporation sustaining damage as aforesaid, and failing to agree with the said directors or with the said district 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 application shall be made after the expiration of three years.

Sec. 6. Lands, rights and easements to be conveyed by district to Directors of Port of Portland, to be held as property of state. Upon the acquisition of land, rights or easements therein, by purchase or otherwise, by the said district, the said district shall within thirty days thereafter, convey, transfer and set over the land so acquired to the Directors of the Port of Portland, who shall hold it as the property of the State of Maine as provided by chapter eighty-four of the private and special laws of nineteen hundred nineteen, hereinbefore referred to.

Sec. 7. District may issue bonds to a sum not exceeding \$400,000; salary of treasurer of district. To procure funds for the purposes of this act and such other expenses as may be necessary to the carrying out of the said purposes, the said district is hereby authorized to issue its notes and bonds, but shall not incur a total indebtedness exceeding the sum of four hundred thousand dollars. Said bonds shall be a legal investment for savings banks in the State of Maine. Each bond shall have inscribed upon its face the words: "Portland State Pier Site District", and shall bear interest at such rates as the commissioners may determine, payable semi-annually. Said bonds may be issued to mature serially or made to run for such periods as said commissioners may determine, but none of which shall run for a longer period than twenty-five years. All notes or bonds issued by said district shall be signed by the treasurer and countersigned by the president of the district, and if coupon bonds be issued, each coupon shall be attested by a facsimile signature of the president and treasurer printed thereon. The treasurer shall receive such annual salary as the commissioners shall determine not to exceed three hundred dollars and he shall

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give bond to the district in such sum and with such sureties as said commissioners may determine, which bond shall remain in the custody of the president. The expense of said bond shall be paid by said district.

Sec. 8. Sinking fund to be created for retirement of bonds; bonds not to be reissued. In case said bonds are made to run for a period of years, a sinking fund shall be established by said commissioners, for the purpose of redeeming the bonds issued under this act, when they become due, and not less than four per cent of the total cost of the site for said pier and the expenses incidental to the carrying out of the purposes of this act shall be added to said sinking fund each year, which shall be kept invested as the commissioners may determine. Whenever any bonds issued by said district become due or can be purchased by said commissioners on favorable terms, said commissioners shall, if sufficient funds have accumulated in said sinking fund, redeem or purchase said bonds and cancel them. In no case shall bonds so cancelled or redeemed be reissued. In case the amount in the sinking fund shall not be sufficient to pay the total amount of the bonds falling due at any one time, authority to issue new bonds sufficient to redeem so many of said bonds as cannot be redeemed from the sinking fund is hereby granted to said district, but in no case shall such new bonds run beyond twenty-five years from the date of the original issue.

Sec. 9. Funds for retirement of bonds and for sinking fund to be raised by taxation; procedure. How amount shall be collected in case of delinquency. The Portland State Pier Site Commissioners shall determine what portion of the sum to be paid annually into the sinking fund, or if the bonds authorized by this act shall be issued to mature serially, what part of the amount required each year to meet the bonds falling due, and what part of the sum required each year to meet the interest on said bonds and other necessary expenses in the territory included within the limits of this district, and shall apportion the same between the city of Portland and the city of South Portland according to the last previous valuation of said cities by the Board of State Assessors. Each year thereafter, before the first day of April, the commissioners of said district shall issue their warrant in the same form as the warrant of the state treasurer for state taxes, with proper changes, to the assessors of the city of Portland, and the assessors of the city of South Portland requiring them to assess the sum so determined and to commit their assessment to the constable or collector of their respective cities, who shall have all the authority and powers to collect said tax as is vested by law to collect state, county and municipal taxes. On or before the thirty-first day of December of the year in which said tax is so levied, the treasurer of the city of Portland and the treasurer

of the city of South Portland shall pay the amount of the tax so assessed against their respective cities to the treasurer of said district.

In case of failure on the part of either of said treasurers to pay said sum or in case of their failure to pay any part thereof on or before the said thirty-first day of December of the year in which said tax is so levied, the treasurer of said district may issue his warrant for the amount of said tax or so much thereof as shall remain unpaid, directed to the sheriff of Cumberland county, requiring him to levy by distress and sale on real and personal property of any of the inhabitants of the city in which said tax was levied, and the sheriff or either of his deputies shall execute such warrant. Except as otherwise provided herein, the same authority as is vested in county officials for the collection of county taxes under the provisions of the revised statutes, is hereby vested in the officials of the said district in relation to the collection of taxes within said district. Errors in computation or valuation that are not substantial shall not affect or annul such assessments and levies.

Sec. 10. District declared a public municipal corporation; bonds and property tax exempt. Said district is hereby declared to be a public municipal corporation and may sue and be sued by its corporate name in the manner provided by chapter fifty-one of the revised statutes. All the property of and all bonds issued by the said district shall be exempt from all taxation.

Sec. 11. Necessary incidental powers and privileges granted. All incidental powers and privileges necessary to the accomplishing of the various objects herein set forth are granted to the corporation hereby created.

Sec. 12. Act not effective until accepted by respective city councils. This act shall take full effect when accepted by the city council of each of said cities at special meetings thereof duly called and held for that purpose.

Approved November 7, 1919.

Chapter 118.

An Act Amending Section One of Chapter Two Hundred and Two of the Private and Special Laws of Nineteen Hundred and Thirteen Relating to Election of Assessors for the City of Portland, by Providing for Filling of Vacancies in Case of Death, Resignation or Otherwise.

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

P. & S. L., 1913, c. 202, § 1; relating to the election of the assessors of the city of Portland. Section one of chapter two hundred and two of the private and special laws of nineteen hundred and thirteen, relating to the election of assessors for the city of Portland, is hereby amended by adding to said section the following: 'In case of vacancy in the office of assessor,