

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.

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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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Chapter 122.

An Act to Confirm and Ratify the Organization of The Durham Cemetery Association.
Be it enacted by the People of the State of Maine, as follows:

Organization of Durham Cemetery Association confirmed. That the organization of The Durham Cemetery Association, organized January thirty-one, nineteen hundred eighteen, be hereby ratified, confirmed and declared to be legal and valid.

Approved November 7, 1919.

Chapter 123.

An Act to Amend Chapter Eighty-four of the Private and Special Laws of Nineteen Hundred Nineteen, Entitled: "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. P. & S. L. 1919, c. 84, § 1; relating to the appointment and organization of the board of "Directors of the Port of Portland", amended. Section one of chapter eighty-four of the private and special laws of nineteen hundred nineteen, entitled: "An Act to Provide for the Building of Public Wharves and for the Establishment of Adequate Port Facilities and for the Advancement of Commerce" is hereby amended as follows: By striking out in the twentieth, twenty-first, twenty-second and twenty-third lines of said section one the words: "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," and by inserting in place therefor the following: "The directors may elect from their own number a president and a secretary of the board. Each director shall receive an annual salary of five hundred dollars, payable by the treasurer of state quarterly, and shall be reimbursed for all expenses incurred in the discharge of his duties as such director", so that said section one, as amended, will read as follows:

'**Sec. 1.** The directors to elect the president and secretary from their own members instead of the chairman being designated by governor. Provision as to chairman receiving annual salary of \$4000 eliminated and compensation of all directors fixed at \$500. 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 directors may elect from their own number a president and a secretary of the board. Each director shall receive an annual salary of five hundred dollars, payable by the treasurer of state quarterly and shall be reimbursed for all expenses incurred in the discharge of his duties as such director.'

Sec. 2. P. & S. L. 1919, c. 84, § 2; relating to the powers and duties of the "Directors of the Port of Portland", amended. Section two of said act is hereby amended by striking out the entire section and substituting in place thereof the following:

'Sec. 2. The term "Port of Portland" defined. The term, "Port of Portland" shall include the land and waters within the limits of the cities of Portland and South Portland, together with the land and waters of Portland harbor. The Directors of the Port of Portland shall cause to be made all necessary plans for the comprehensive development of the harbor and they shall have immediate charge, for the purpose of carrying out and making effective the terms of this act, of the lands and flats now or hereafter owned by the state upon or adjacent to Portland harbor, and of the construction of public piers and other public works therein, shall administer all terminal facilities which are or may hereafter be 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 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. 3. 1919, c. 84, § 3; relating to the administrative powers and duties of the directors. Section three of said act is hereby amended by inserting

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the following paragraph: "The directors may establish a distinctive seal, bearing the words, "Directors of the Port of Portland, Maine, 1919." In all actions, complaints, petitions, appeals or other proceedings at law or in equity or otherwise, in which the board is concerned, they may be designated as Directors of the Port of Portland', so that said section three, as amended, will read as follows:

'Sec. 3. Seal of the board and official designation. 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.

The directors may establish a distinctive seal, bearing the words: "Directors of the Port of Portland, Maine, 1919." In all actions, complaints, petitions, appeals or other proceedings at law or in equity or otherwise, in which the board is concerned, they may be designated as Directors of the Port of Portland.'

Sec. 4. 1919, c. 84, § 4; relating to the acquisition of lands, rights, piers, etc., by the directors. Section four of said act is hereby amended by striking out in the first line the words: "With the consent of the governor and council," so that said section four, as amended, shall read as follows:

'Sec. 4. Provision requiring consent of governor and council eliminated. 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. 1919, c. 84, § 5; relating to the procedure to be employed by directors in taking over lands, etc. Section five of said act is hereby amended by inserting in the sixth line, after the word, "identification", the words, 'and the names of owners, if known'; also by inserting before the word, "statement", in the said sixth line, the word, 'general'; also in the seventh line by striking out the words, "a majority of the directors", and inserting in place thereof, the words, 'the directors or a majority thereof'; also by striking out, after the word, "section" in the thirteenth line, the remaining part of section five, and inserting in place thereof the following: 'When, for any reason, the directors 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 board 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 damages 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 acts which would have been justified if the original taking had been lawful. No entry shall be made on 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,' so that said section five, as amended, will read as follows:

Sec. 5. Procedure more minutely set forth. 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, and the names of owners, if known, with a general statement of the purposes for which the same was taken, signed by the directors or a majority thereof. 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. When, for any reason, the directors 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 board 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 damages 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 acts which would have been justified if the original taking had been lawful. No entry shall be made on 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. 6. 1919, c. 84, § 6; relating to the fund from which damages may be paid, amended. Section six of said act is hereby amended by inserting in the fifth line after the word "therein" the words: 'except for the site or location of said pier, but no money shall be available from said bonds or the proceeds thereof until a site or location for said pier shall have been

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provided by the city of Portland or the city of South Portland, or both, or by a district created for such purpose,' so that said section six, as amended, will read :

'Sec. 6. Proceeds of bonds not available for site or location of pier and proceeds not available until site has been provided by South Portland, Portland or District. 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 rights or easements therein, except for the site or location of said pier, but no money shall be available from said bonds or the proceeds thereof until a site or location for said pier shall have been provided by the city of Portland or the city of South Portland, or both, or by a district created for such purpose. 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. P. & S. L. 1919, c. 84, § 10; relating to the obligation of the directors to obtain a site without expense if possible, amended. Section ten of said act is hereby amended by inserting in the second line thereof, after the word, "Portland," the words 'or the city of South Portland or both,' and by striking out the word "city" in the third line thereof, and inserting in place thereof the words 'cities or either of them'; also by striking out the words "the city" in the fourth line thereof and inserting in place thereof the words, 'such cities or either of them,' also by striking out in the fifth and sixth lines the words, "city of Portland is" and inserting in place thereof the words 'cities of Portland and South Portland or either of them are'; also by striking out the word "it" in the ninth line, and inserting in place thereof, the words, 'such cities,' so that said section ten, as amended, will read as follows :

'Sec. 10. Certain necessary changes in order to include South Portland. The directors shall take all proper measures to obtain from the city of Portland or the city of South Portland or both, without expense to the state therefor, a conveyance of all the present right, title and interest of the cities or either of them in and to flats and rights of such cities or either of them, which, in the opinion of the directors, are required for the development contemplated by this act, and the cities of Portland and South Portland, or either of them, are 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 such cities elsewhere, acquired either by purchase or taking.'

Sec. 8. P. & S. L. 1919, c. 84, § 13; relating to appropriation for 1919, amended. Section thirteen of said act is hereby amended by striking out the entire section and substituting in place thereof the following:

'Sec. 13. Appropriation to be carried over to December 31, 1920. There shall be paid out of the treasury of the state, to be expended by the directors during the period ending on the thirty-first day of December, nineteen hundred and twenty, the sum of ten thousand dollars, toward the salaries and expenses of the directors and toward the defraying of the cost of the studies and plans, surveys and borings, and for otherwise making effective the provisions of this act.'

Sec. 9. P. & S. L. 1919, c. 84, § 15; relating to available funds, amended. Section fifteen of said act is hereby amended by striking out in the fifth line the words "if said amendment shall be adopted," and by striking out in the ninth line, before the word, "amendment," the word "proposed"; also by striking out in the ninth and tenth lines the words, "if the same be adopted"; also by striking out in the eleventh line, before the word "amendment" the word "proposed," so that said section fifteen, as amended, will read as follows:

'Sec. 15. Certain clerical changes made to conform to the fact of the adoption of constitutional amendment in September, 1919, which was pending when section first enacted. From the proceeds of bonds issued by the State of Maine for the purpose 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, 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 amendment, in such form and in such amounts not exceeding the total set forth in said amendment, from time to time, as the governor and council may determine.'

Sec. 10. P. & S. L. 1919, c. 84, supplemented. Said act is further amended by adding the following sections:

'Sec. 16. Act not intended to affect provisions of P. & S. L. 1917, c. 192, creating Board of Harbor Commissioners; in case of conflict 1919 act to prevail. The provisions, restrictions and requirements of chapter one hun-

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dred ninety-two of the private and special laws of nineteen hundred seventeen, entitled, "An Act to Create a Board of Harbor Commissioners for the Harbor of Portland and Define its Powers," shall not control, limit, govern, affect or apply to the acts, powers and duties created or established by this act and imposed upon or entrusted to the Directors of the Port of Portland or persons acting by or under their authority and in the event of conflict between the provisions of the act entitled: "An Act to Create a Board of Harbor Commissioners for the Harbor of Portland and Define its Powers" and this act entitled: "An Act to Provide for the Building of Public Wharves and for the Establishment of Adequate Port Facilities and for the Advancement of Commerce," being chapter eighty-four of the private and special laws of nineteen hundred nineteen, the provisions of the former act, entitled "An Act to Create a Board of Harbor Commissioners for the Harbor of Portland and Define its Powers," that are in such conflict and inconsistent with the later act, chapter eighty-four of the private and special laws of nineteen hundred nineteen, shall be suspended and the provisions of chapter eighty-four of the private and special laws of nineteen hundred nineteen shall control and be effective, but nothing herein shall be construed as affecting or modifying the provisions of chapter one hundred ninety-two of the private and special laws of nineteen hundred seventeen, so far as the provisions of such act relate to persons, firms, corporations, boards or commissions other than the Directors of the Port of Portland.

Sec. 17. Other acts modified to conform. Any other act or parts of acts that are in conflict with or inconsistent with the provisions of this act, are hereby suspended and superseded, so far as they relate to the provisions of this act or any part thereof.'

Approved November 8, 1919.

Chapter 124.

An Act to Amend Chapter Thirty-seven of the Private and Special Laws of Nineteen Hundred Seventeen, as Amended by Chapter Seventeen of the Private and Special Laws of Nineteen Hundred Nineteen, Relating to the Salaries of Chief of Police, Police Captains and Patrolmen of the City of Lewiston.

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

Sec. 1. P. & S. L. 1917, c. 37, § 15; 1919, c. 17, § 5; relating to the salary of chief of Lewiston police department, amended. That section five, chapter seventeen, of the private and special laws of nineteen hundred nineteen, be amended by striking out the words "eighteen hundred dollars" and the figures "\$1800" in the second line of said section, and inserting in lieu thereof the words 'twenty-one hundred dollars' and the figures '(\$2100),' so that said section as amended shall read as follows: