

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Ninety-ninth Legislature

OF THE

STATE OF MAINE

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Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Ninety-ninth Legislature

1959

for improvements and extensions of the property of the Port Authority in the discretion of its directors.'

Sec. 3. P. & S. L., 1929, c. 114, § 1, sub-§ (f), additional. Section 1 of chapter 114 of the private and special laws of 1929, as last amended by section 11 of chapter 190 of the private and special laws of 1957, is further amended by adding a new subsection (f), to read as follows:

'(f) Ferry service between mainland and islands in Casco Bay. Whenever it is determined by the Public Utilities Commission that ferry transportation for persons and property between the mainland and the islands in Casco Bay located within the limits of the City of Portland and the Town of Cumberland can no longer feasibly be provided by private operators at rates established by said Public Utilities Commission, the Port Authority shall take such means as shall be necessary to provide such service, either through contract with private operators or by acquiring and operating the necessary facilities as provided herein.'

Sec. 4. P. & S. L., 1929, c. 114, § 6, amended. The 2nd paragraph of section 6 of chapter 114 of the private and special laws of 1929, as enacted by section 2 of chapter 77 of the private and special laws of 1943 and as amended by section 2 of chapter 129 of the private and special laws of 1945, is further amended to read as follows:

'The Maine Port Authority may take for public use, for its purposes, any property, right, easement, use, interest or estate in any wharf, dock, pier or site, including related approaches, abutments and appurtenances, ferry line, boat or landing area already appropriated to or charged with a public use, under the power of eminent domain; but consideration shall be given to such existing public use and all reasonable efforts shall be made to interfere no more than may be reasonably necessary with the business, service or functions of the owner, operator, possessor or other person controlling, managing or operating such existing public use; ~~provided, however, that no~~. No such property, right, easement, use, interest or estate already appropriated to or charged with a public use shall be taken without contract with or the consent of the owner, operator, possessor or other person controlling, managing or operating the same, unless and until the Public Utilities Commission, after notice and hearing, shall have determined that such property, right, easement, use, interest or estate appropriated to or charged with a public use is necessary to said Authority for the purposes of this act, and that the taking by said Authority is in the public interest.'

Effective September 12, 1959

Chapter 80

AN ACT Relating to the Procedure of the City Council of South Portland.

Emergency preamble. Whereas, the City of South Portland has caused to be prepared a revision, codification and compilation of its ordinances now in force; and

Whereas, said revision, so called, includes certain ordinances of new subject matter, thus excluding same from the provisions of the Revised Statutes of 1954, chapter 90-A, section 5, as enacted by public laws of 1957, chapter 405,

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section I, whereby a municipality need not print or publish its revision, codification or compilation of ordinances then in force in any other manner than in book or pamphlet form; and

Whereas, the pertinent section of the charter of the City of South Portland relative to the publication of ordinances poses a possible ambiguity as to the necessity for newspaper publication of ordinances; and

Whereas, to require the City of South Portland to publish by newspaper insertion the said revision, so called, would obligate said city to an expenditure of several thousand dollars; and

Whereas, it is the avowed intention of the City of South Portland to print the revision, so called, and the more commonly utilized chapters of same separately in sufficient quantities to ensure practical public dissemination thereof; and

Whereas, the said revision, so called, is immediately requisite for an informed administration of the city's government and for the peace, health and safety of the inhabitants of said city; and

Whereas, a Charter Study Committee, with a membership representation of each ward within the city, appointed by the City of South Portland, has recommended the following amendment to the charter of said city; and

Whereas, the municipal officers of said city have approved and endorsed the said Charter Study Committee's recommendation of the following amendment to the charter of said city; and

Whereas, acts of the Legislature do not take effect until 90 days after adjournment unless enacted as emergency measures; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

P. & S. L., 1933, c. 55, Art. 4, § 8, amended. The last sentence of the 2nd paragraph of section 8 of article 4 of chapter 55 of the private and special laws of 1933 is amended to read as follows:

'Within 10 days after the approval by such counsel said ordinance shall be published in full at discretion of city council in ~~1~~ or more of the newspapers published in South Portland or Portland promulgated in full in such manner as the city council shall direct.'

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.