

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

AS PASSED BY THE

One Hundredth Legislature

OF THE

STATE OF MAINE

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**Private and Special Laws**

OF THE

**STATE OF MAINE**

As Passed by the One Hundredth Legislature

**1961**

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## Chapter 163

### AN ACT Creating the Town of Kittery Port Authority.

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

**Sec. 1. Authority established.** There shall be a Town of Kittery Port Authority, consisting of and governed by a board of 7 members, 5 of whom shall be appointed by the selectmen of the Town of Kittery. At least 3 of said appointive members shall be permanent residents of the Town of Kittery, and shall serve for a term of 5 years, providing that of the first appointment hereunder, one shall be appointed for a term of one year, one for a term of 2 years, one for a term of 3 years, one for a term of 4 years and one for a term of 5 years. Said members shall serve until their successors are appointed and qualified. Any vacancy occurring in the membership of the appointive members shall be filled by the selectmen for the unexpired term. In addition to the 5 appointive members, the following officers shall be, by virtue of their offices, members of said board: The Chairman of the Town Planning Board and the Chairman of the Budget and Finance Committee. The board shall elect one of its members as a chairman, one as a vice-chairman and one as secretary. The members of the board shall receive no compensation for their services; but their reasonable expenses incurred in the performance of their duties shall be paid by the Town of Kittery. The board shall have the right to adopt a common seal and to alter same, and to establish by-laws and regulations for the management of its affairs within the meaning of this authority, the laws of the State of Maine and the ordinances of the Town of Kittery.

**Sec. 2. Purposes.** The Town of Kittery Port Authority, in cooperation with the Town of Kittery Planning and Development Board, shall:

- I. Plan for the maintenance and development of the port, harbor and navigable tidal waters within the jurisdiction of the Town of Kittery, in order to foster and stimulate commercial and recreational use of these areas.
- II. Aid in the development of salt water fisheries and associated industries; ship and boat building, repair and storage and associated industries; pleasure boating, swimming and other associated recreational uses of these areas and facilities.
- III. Cooperate with any agencies or departments of the federal, state and town in planning the maintenance, development and use of the areas herein defined.

**Sec. 3. Powers and duties.** In order to enable it to carry out the purposes hereof, the authority shall:

- I. Have the authority to make all necessary arrangements with other port authorities of the State of Maine, other states and federal departments and agencies for the interchange of business, and for such other purposes as will facilitate and increase the purposes of this authority.
- II. Establish offices for the transaction of its business at such places as, in the opinion of the authority, shall be advisable and necessary in carrying out the purposes hereof.

III. Be authorized and empowered to appoint and compensate a harbor master, who will enforce the directives of the authority, such as the placement of moorings, the assignments of anchorage areas and the movement of traffic.

IV. Be attached, for administrative purposes only, to the Town Planning and Development Board, which shall be authorized and empowered to pay all necessary costs and expenses involved in and incident to the formation and organization of said authority and incident to the administration and operation thereof.

**Sec. 4. Rules and regulations.** Said authority may make such ordinances, rules and regulations touching port captains, pilots and pilotage, harbors and harbor masters, for the areas herein defined as it may deem proper and from time to time may modify, rescind or alter the same. Said rules and regulations shall have the force and effect of law. Said authority shall fix the fees of pilotage and a table of such fees shall be attached to the commission of each pilot.

**Sec. 5. Pilots.** The authority may prescribe the qualifications of pilots, and from time to time appoint and commission, under its hand and seal, as many pilots as it may judge necessary, and remove the same at pleasure, and it shall take from them such security, by bond or otherwise, as it may deem proper.

**Sec. 6. Authority of pilot.** Any pilot appointed by the authority who has given security for the faithful discharge of his duties may take charge of any vessel, except pleasure, coasting and fishing vessels of United States registry of 150 registered or enrolled tons and under, and except as provided in section 7, and shall pilot such vessel into or out of the river and harbor of the Piscataqua, to ports or locations within the jurisdictional area of this authority, first showing to the master thereof his appointment, if requested.

**Sec. 7. Fee on offer.** Any master or owner may pilot his own vessel into the area herein defined, but if a pilot shall speak and offer service to a vessel, excepting registered or enrolled vessels of the United States, bound into said area south of a line drawn east and west from Whale's-back lighthouse, or shall offer service to a vessel bound out of said area excepting registered or enrolled vessels of the United States, before they leave the wharf, he shall be entitled to  $\frac{1}{2}$  of the fee specified in his warrant in case the master declines to employ him, and, on refusal of payment, may sue for and recover same.

**Sec. 8. Harbor master.** The harbor master appointed by the authority shall have the authority, under the supervision of the authority, to oversee the jurisdictional area of this authority, to preserve and regulate navigation within said waters, to assign moorings, require the same to be kept in safe condition, to require the removal of vessels if necessity or an emergency arises, to inquire into and prosecute all offenses occurring within his jurisdiction and to perform such duties and enforce such regulations as the authority shall prescribe. The harbor master shall have authority to make arrests for offenses under the provisions of this chapter, as other peace officers are authorized to do.

**Sec. 9. Penalty.** Whoever violates any of the rules or regulations of the authority promulgated under the authority of this chapter, or refuses or neglects to obey the lawful and reasonable orders of a harbor master or resists him in the execution of his duties shall be punished by a fine of not more than \$50.

All fines collected under this section shall be forwarded to the port authority and by it applied to the salary of the harbor master.

**Sec. 10. Definition.** The word "vessel" as used in this chapter shall include boats of all sizes propelled by sail, machinery or hand, scows, dredges, shellfish cars and craft of every kind.

**Sec. 11. Authorization to establish foreign-trade zones and free port areas.**

**I.** Said authority is authorized to make application to the Secretary of Commerce of the United States for the purpose of establishing, operating and maintaining foreign-trade zones in the area herein described, under the Act of Congress passed at the second session, 73rd Congress, providing for the establishment, operation and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes.

**II.** Said authority shall have full power and authority to select and describe the location of the zone for which application to establish may be made and to make such rules and regulations concerning the operation, maintenance and policing of same as may be necessary to comply with the Act of Congress creating said foreign-trade zones, or as may be necessary to comply with such rules and regulations made in accordance with the Acts of Congress, relating to foreign-trade zones.

**III.** Said authority shall have full power and authority to lease the right and erect, maintain and operate any structures or buildings or enclosures as may be necessary or proper for the establishing and operating any such foreign-trade zones that might be established in the area herein described under and by virtue of said act of the 2nd session of the 73rd Congress.

**IV.** The authority hereby granted to said port authority confers on said port authority the right and duty to do all things necessary and proper to carry into effect the establishing, maintaining and operating of foreign-trade zones within the area herein described to comply in full with the provisions of said Act of Congress and all regulations that might be made thereunder.

**V.** The Town of Kittery Port Authority shall have the power and the duty to establish in the area herein described an area wherein personal property in transit shall be exempt from the provisions of the stock-in-trade tax and other such taxes and customs as are normally levied in a port of entry. For the purpose of this section, personal property in transit through the areas established by this port authority is defined as follows: Goods, wares and merchandise which is (1) moving in interstate or international commerce through or over the areas hereinbefore established, or (2) which was consigned to a warehouse, public or private, within the Town of Kittery, whether specified when transportation begins or afterward. Such property shall not be deprived of exemption because while in the warehouse the property is assembled, bound, joined, processed, disassembled, divided, cut, broken in bulk, relabeled or repackaged. The exemption granted shall be liberally construed to effect the purpose of this act. Provided, however, that the warehouse in which said goods, wares or merchandise be stored shall not be owned, in whole, or in part by the consignee or consignor.

**Sec. 12. Severability.** If any provision of this chapter shall be held invalid, the remainder of the chapter shall not be affected thereby.