

# MAINE STATE LEGISLATURE

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Governor's Bill  
FIRST SPECIAL SESSION

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ONE HUNDRED AND TENTH LEGISLATURE

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**Legislative Document**

**No. 1693**

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S. P. 714

In Senate, July 31, 1981

Reference to the Committee on Transportation suggested and ordered printed.

MAY M. ROSS, Secretary

Presented by Senator Conley of Cumberland.

Cosponsors: Representative L. Higgins of Scarborough and J. Martin of Eagle Lake.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

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**AN ACT to Amend a Bond Issue to Increase the Amount by \$5,000,000 and to Provide Authority to Construct, Acquire or Improve Drydocks and Other Ship Construction and Repair Facilities.**

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**Preamble.** Two-thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14, to authorize the issuance of bonds on behalf of the State of Maine for the purpose of fostering agricultural and economic development, including the construction, acquisition or improvement of drydocks and other ship construction and repair facilities for use by public or private entities.

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

**Sec. 1.** P&SL 1981, c. 65 is amended by inserting before section 1 the following:

**Sec. 1. Statement of purpose.** There is a statewide need to provide for a greater utilization of the public ports and harbors, to provide for improvements to airports, for feed grain terminal facilities and for improved potato storage and centralized packing facilities within the State and to increase the flow of commerce, to thereby provide enlarged opportunities for gainful employment by

the people of Maine and to thus ensure the preservation and betterment of the economy of the State for the benefit of its people.

It is determined to be a public purpose of the State to supervise and operate, or cause to be operated either by lease, sale, transfer or other conveyance to public or private users, in cooperation with the State Government, port facilities, feed grain terminal facilities and potato storage and centralized packing facilities owned or leased by the State and to encourage and assist in the acquisition, financing, construction, renovation and operation of other port facilities, feed grain terminal facilities and potato storage and centralized packing facilities, within the State, to the end that the public ports and harbors, the port facilities located therein, the feed grain terminal facilities and the potato storage and centralized packing facilities shall be utilized in a manner which will further the economic development of the State.

Sec. 2. P&SL 1981, c. 65, § 1 is amended to read:

Sec. 1. **Bond issue of \$33,300,000 authorized.** The Treasurer of State is authorized, under the direction of the Governor, to issue from time to time, serial coupon bonds in the name and on behalf of the State to an amount not exceeding ~~\$28,300,000~~ **\$33,300,000** payable serially at the State Treasury for a period no longer than 20 years from date of issue. The bonds and coupons shall be of such denominations and form and upon such terms and conditions, not inconsistent herewith, as the Treasurer of State shall direct. The proceeds from the sale of the bonds shall be used for the purposes as authorized by section 5. The bonds shall be deemed a pledge of the faith and credit of the State. The bonds shall be issued from time to time so as to meet the needs of the economic development and agricultural development programs. The bonds, when paid at maturity or otherwise retired, shall not be reissued, but may be refunded on terms more favorable to the State than those in the original issue.

Sec. 3. P&SL 1981, c. 65, § 4, under the caption "TRANSPORTATION, DEPARTMENT OF" is amended by striking out all of the line relating to Construction of Cargo Port Facilities and inserting in its place the following:

**Construction of Port Facilities** **\$28,000,000**

Sec. 4. P&SL 1981, c. 65, § 4, under the caption "AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF" is amended by striking out all of the line relating to Total Appropriation and inserting in its place the following:

**Total Appropriation** **\$33,300,000**

Sec. 5. P&SL 1981, c. 65 is amended by inserting after section 4 the following:

Sec. 6. **Port facilities defined.** As used in this chapter, port facilities means any of the following types of facilities located in or upon, or appurtenant to any public port or harbor in the State: Wharves and piers, with buildings and appurtenances; docks; slips; elevators; public warehouses; drydocks; ship

docking and handling facilities; ship building overhaul and repair facilities; loading and unloading facilities for cargo of any type; marine terminal and construction facilities; and all lands, buildings, real estate improvements and furnishings, machinery, apparatus and equipment and other personalty used in connection with any of the foregoing.

Sec. 6. P&SL 1981, c. 65, § 5 is amended to read:

Sec. 5. **Appropriation balances at year end.** At the end of each fiscal year, all encumbered appropriation balances from the sale of bonds or revenues or moneys received from the implementation of this Act representing state moneys shall carry forward from year to year.

Sec. 7. P&SL 1981, c. 65, § 7 is amended to read:

Sec. 7. **Contingent upon ratification of bond issue.** Sections 2 to 4 5 shall not be effective unless and until the people of this State shall have ratified the issuance of bonds as set forth in this Act.

Sec. 8. P&SL 1981, c. 65, § 8 is amended to read:

Sec. 8. **Statutory referendum procedure; submission at statewide election; effective date.** This Act Sections 1 to 11 of this Act shall be submitted to the legal voters of the State of Maine at a statewide election to be held on the Tuesday following the first Monday of November following passage of this Act. The city aldermen, town selectmen and plantation assessors of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Act by voting on the following question:

“Shall a bond issue be ratified in the amount of ~~\$29,300,000~~ **\$33,300,000** for agricultural and economic development, **including airport improvements, port facilities which may be made available by sale or lease for use by public or private users, feed grain terminal facilities and potato storage and centralized packing facilities?**”

The legal voters of each city, town and plantation shall vote by ballot on this question, and shall designate their choice by a cross or check mark placed within a corresponding square below the word “Yes” or “No.” The ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns and, if it appears that a majority of the legal votes are in favor of the Act, the Governor shall proclaim that fact without delay, and ~~the sections 1 to 11 of this Act~~ shall become effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purposes of this referendum.

**Sec. 9.** P&SL 1981, c. 65, sections 1 to 4 are renumbered to be sections 2 to 5.

**Sec. 10.** P&SL 1981, c. 65, sections 5 to 9 are renumbered to be sections 7 to 11.

**Sec. 11.** P&SL 1981, c. 65, §§ 12 and 13 are enacted to read:

**Sec. 12. Department of Transportation; authority.** In implementing this Act with respect to port facilities, the State, acting through the Department of Transportation, is authorized to enter into any agreements necessary to effect the purposes and authorization set forth in this Act. The Commissioner of Transportation, acting with the consent of the Governor, is authorized to convey the interest of the State in the Maine State Pier, drydocks and port facilities located in Portland on such terms and conditions and for such consideration, as he deems reasonable. The \$4,600,000 received by the State from the sale of the Maine State Pier is allocated for use by the State towards the construction or repair costs of a drydock and related facilities for use in connection with a shipbuilding and repair yard in the City of Portland. These funds shall not lapse, but shall be carried forward from year to year.

**Sec. 13. Effective date.** Section 12 of this Act shall take effect 91 days from the adjournment of the First Special Session of the 110th Legislature.

#### STATEMENT OF FACT

The purpose of this legislation is to amend P&SL 1981, chapter 65, a bond issue approved by the 110th Legislature at the First Regular Session. This bill will permit the use of \$15,000,000 of the proceeds for the shipyard development in cooperation with Bath Iron Works in Portland to expand the scope and purpose of the originally proposed cargo handling facility in that port. To accomplish this purpose, the total bond issue is increased by \$5,000,000 to \$33,300,000, which amount will still be within the present bonded indebtedness of the State and will also provide the funding originally intended for the proposed Searsport, Sears Island, cargo pier project.