

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 152

S.P. 58

In Senate, January 13, 2005

### **An Act To Change the Oversight of the Maine Pilotage Commission**

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Submitted by the Department of Transportation pursuant to Joint Rule 204.  
Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator DAMON of Hancock.  
Cosponsored by Representative MARLEY of Portland.

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

4 **Sec. 1. 38 MRSA §85-B. sub-§1-A** is enacted to read:

6 1-A. Authority. "Authority" means the Maine Port Authority, as established in Title 5, section 12004-F, subsection 8.

8 **Sec. 2. 38 MRSA §85-B. sub-§§5 and 6.** as enacted by PL 1999, c. 355, §4, are repealed.

10 **Sec. 3. 38 MRSA §90-A,** as amended by PL 1999, c. 355, §13, is further amended to read:

12 **§90-A. Reports; liaison; limitations**

14 On or before August 1st of each year, the commission shall submit to the ~~commissioner~~ authority for the preceding fiscal year ending June 30th its annual report of its operations and financial position, together with those comments and recommendations that the commission considers essential.

16 The authority shall act as a liaison between the commission and the Governor.

18 The authority does not have the right to exercise or interfere with the exercise of discretionary, regulatory or licensing authority granted by statute to the commission.

20 **Sec. 4. 38 MRSA §90-B,** as amended by PL 1997, c. 727, Pt. C, §18, is further amended to read:

22 **§90-B. Budget**

24 The commission's budget must be prepared and submitted to the ~~commissioner~~ authority for approval.

26 **Sec. 5. 38 MRSA §90-C,** as amended by PL 1997, c. 727, Pt. C, §19, is further amended to read:

28 **§90-C. Employees**

30 The ~~commissioner~~ authority may appoint employees as necessary.

32 **Sec. 6. 38 MRSA §100-A. sub-§2. ¶A.** as enacted by PL 1999, c. 355, §22, is amended to read:

34 A. To department state employees designated by the ~~commissioner~~ authority;

2           **Sec. 7. 38 MRSA §100-A, sub-§2, ¶C.** as enacted by PL 1999, c.  
355, §22, is amended to read:

4  
6           C. By a ~~department~~ state employee or complaint officer  
designated by the ~~commissioner~~ authority when and to the  
8 extent considered necessary to facilitate the investigation;

10           **Sec. 8. 38 MRSA §100-A, sub-§2, ¶¶E and F.** as enacted by PL  
1999, c. 355, §22, are amended to read:

12           E. When and to the extent considered necessary by the  
~~commissioner~~ authority to avoid imminent and serious harm.  
14 The authority responsibility of the ~~commissioner~~ authority  
to make such a disclosure may not be delegated;

16           F. Pursuant to rules adopted by the ~~department~~ State, when  
18 it is determined that confidentiality is no longer warranted  
due to general public knowledge of the circumstances  
20 surrounding the complaint or investigation and when the  
investigation would not be prejudiced by the disclosure; and

22           **Sec. 9. 38 MRSA §100-A, sub-§2, ¶G.** as corrected by RR 1999,  
24 c. 1, §53, is amended to read:

26           G. To the person investigated on that person's request.  
The ~~commissioner~~ authority may refuse to disclose part or  
28 all of any investigative information, including the fact of  
an investigation, when the ~~commissioner~~ authority determines  
30 that disclosure would prejudice the investigation. The  
authority responsibility of the ~~commissioner~~ authority to  
32 make such a determination may not be delegated.

34           **Sec. 10. 38 MRSA §106, first ¶.** as amended by PL 1997, c. 727,  
Pt. C, §20, is further amended to read:

36           All money received by the commission must be paid to the  
38 ~~Treasurer-of-State~~ authority and credited to the account for the  
commission within the budget of the ~~Department-of-Transportation~~  
40 authority.

42  
**SUMMARY**

44           This bill changes the oversight of the Maine Pilotage  
46 Commission from the Department of Transportation to the Maine  
Port Authority.