

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

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**Legislative Document**

**No. 37**

H. P. 29

House of Representatives, January 6, 1977

Referred to Committee on Marine Resources. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Mills of Eastport.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SEVEN

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**AN ACT to Revise the Eastport Public Landing Authority Law.**

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

Sec. 1. P. & S. L., 1951, c. 128, § 1, as last amended by P. & S. L., 1963, c. 24, is repealed and the following enacted in its place:

Sec. 1. **Eastport Port Authority, created.** There is hereby created the Eastport Port Authority, which shall have the authority to acquire, construct, operate, maintain, repair and replace piers, terminal and warehouse facilities on the land and in the waters within the limits of the City of Eastport.

There shall be a board of 7 directors who shall exercise the powers and duties of the Authority and shall be the following persons of the City of Eastport: City manager; a member of the Eastport City Council; a member of the Eastport Chamber of Commerce; a representative from the Eastport fish processors and 3 voters of the City of Eastport, all appointed by the Eastport City Council. Each director, except the city manager, who shall be a permanent member of the board of directors as long as he shall hold that office, shall serve a term of 3 years, except that the first board of directors shall be appointed by the Eastport City Council within 10 days after the acceptance of this Act by the voters of the City of Eastport, 2 to serve until the first annual meeting of the Authority, 2 until the 2nd annual meeting, and 2 until the 3rd annual meeting. Thereafter, 2 members shall be appointed by the Eastport City Council each year to serve for a term of 3 years. The city council shall appoint, from the above-named positions, directors to fill any vacancies that may occur by death, resignation or otherwise. Directors shall serve until their successors have been duly appointed by the Eastport City Council. Members so appointed by the Eastport City Council shall be sworn to the faithful performance of their duty by the city clerk.

The members of the board of directors shall serve without compensation; but shall have the right to appoint assistants, agents, engineers, attorneys and other employees as they may deem necessary to carry out the purposes of this Act and shall determine their duties and compensation.

At each annual meeting the directors shall elect from their membership a chairman, who shall serve until the next annual meeting or until his successor is chosen and is qualified. The time for the annual meeting may be established in the bylaws promulgated by the directors.

The directors shall be the administrative officers of the Authority and may employ assistants as they may deem necessary to carry out the purposes of this Act. They shall make plans as seem best to them to obtain title to the wharf or wharves, or locations for the wharf or wharves, and they shall have the authority to acquire, construct, operate, maintain and repair piers, terminal and warehouse facilities on the land and in the waters within the limits of the City of Eastport, as will in their judgment improve and increase the harbor, docking and warehousing facilities in the City of Eastport. With the consent of the Eastport City Council, or a vote of a majority thereof, the Authority may take or acquire within the limits of the City of Eastport, real property by purchase or otherwise, by gift or grant, or by the exercise of the right of eminent domain, which right is hereby expressly delegated to the Eastport Port Authority, and hold the real property and rights and easements therein as the directors may from time to time consider necessary for the purpose of constructing and maintaining the Eastport Port Authority piers, docks and warehouses, highways and other port facilities, and shall further have the right to construct suitable buildings, filling stations, restaurants or other structures, and have the authority to lease same, upon the terms as the directors or a majority thereof may determine to be in the best interests of the Authority, the proceeds from leases to accrue to the credit of the Eastport Port Authority. These wharves and buildings shall be exempt from taxation by the City of Eastport. The Authority shall render annually at the end of the fiscal year a report to the city council, showing all transactions and balances, together with and recommendations for the improvement and operation of the public landing and warehousing facilities. The board of directors shall have the power to establish bylaws and all rules and regulations governing the operation and maintenance of the public landing and Eastport Port Authority; charge such fees as may, in their judgment, be necessary for parking, docking and storage privileges; contract for the construction of the wharf or wharves, warehouse or warehouses, and borrow money for these purposes; arrange for its financing; and provide for its protection by insurance against damage by fire, water or wind, and for any other casualty which the directors wish to insure against, and for liability against injury to persons and property.

Sec. 2. P. & S. L., 1951, c. 128, § 3, is repealed and the following enacted in its place:

Sec. 3. How financed. The Authority is hereby authorized to issue its bonds or notes not exceeding at any one time outstanding the principal sum of \$500,000. The bonds may be issued to mature serially or for periods not

to exceed 30 years from the date of issue with interest at such rate and upon such other and further terms and conditions as the directors, or a majority thereof, may determine. All bonds or notes shall be signed by the directors of the Authority or a majority thereof. Each bond and note shall have inscribed upon its face "Eastport Port Authority," shall bear interest at such rates as the directors shall determine, payable semi-annually, and shall be subject to such other provisions as the directors shall determine. Bonds and notes issued by the Authority may be made callable at any interest date. All notes or bonds issued by the Authority shall be signed by the directors of the Authority or a majority thereof, and if coupon bonds be issued, each coupon shall be attested by the facsimile signature of the chairman printed thereon. The bonds and notes shall be legal obligations of the Authority which is hereby declared to be a quasi-municipal corporation within the meaning of the Revised Statutes, Title 30, section 5053, and all the provisions of the section shall be applicable thereto. The bonds and notes shall be legal investments for trust companies and savings banks. All notes, bonds or other securities issued by the Authority shall at all times be free of taxation by the State of Maine.

The directors are authorized to secure the payment of any bonds or notes of the authority by the granting of a mortgage, security agreement, assignment of lease, assignment of rentals of any other security instrument. In the event the directors determine to establish a sinking fund for the payment of the notes or bonds of the Authority as they come due, all funds paid into that sinking fund shall be deposited in a national bank or trust company or invested in the securities of the United States of America or the State of Maine.

At such time as the public landing, together with all of its buildings and facilities of every kind, is free of all indebtedness; all obligations have been discharged; all leases have been terminated; and the directors or a majority thereof determine in writing that there is no further need for the Authority to exist, the board of directors shall automatically cease to function, and all property of every description shall revert to the City of Eastport, and the directors of the Authority shall cause to be executed, signed and delivered a good and sufficient deed conveying all property of every description, together with all moneys and things of value, to the City of Eastport.

Sec. 3. P. & S. L., 1951, c. 128, § 3-A, is enacted to read:

Sec. 3-A. Invalidity of any part not to affect validity of remainder of Act. If any clause, sentence, paragraph or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, that judgment shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which the judgment shall have been rendered.

Sec. 4. Referendum; effective date. This Act shall take effect when approved, only for the purpose of permitting its submission to the legal voters of the City of Eastport, voting at a regular or special election called and held for the purpose within 10 months after the approval of this Act. The election shall be called, advertised and conducted according to the law relating

to municipal elections; provided, however, that the registrar of voters of the city shall not be required to prepare for posting, nor the city clerk to post, a new list of voters, and for the purpose of registration of voters the registrar shall be in session the 3 secular days next preceding the election, the first 2 days thereof to be devoted to registration of voters and the last day to enable the registrar to verify the correction of the lists and to complete and close up his records of the sessions. The city clerk shall reduce the subject matter of this Act to the following question: "Shall 'An Act to Revise the Eastport Public Landing Authority,' as passed by the 108th Legislature, be accepted?"

The voters shall indicate by a cross or check mark placed over the words "Yes" or "No" their opinion of the same. This Act shall take effect for all the purposes hereof immediately upon its acceptance by a majority of the legal votes voting at the election. The result of the election shall be declared by the municipal officers of the City of Eastport and due certificate filed by the city clerk with the Secretary of State.

#### STATEMENT OF FACT

The purposes of this bill are to:

1. Authorize the acquisition and construction of landing, docking and warehousing facilities to accommodate proposed use of such facilities;
2. Change the composition of the Board to allow for reasonable continuity of its membership;
3. Provide for increased financial latitude so that the Board of Directors would be able to obtain necessary financial resources to acquire and construct facilities needed in its operation (The present limitation of \$75,000 is so restrictive it would prohibit the Board from conducting its business in a reasonable manner in today's financial atmosphere.); and
4. Provide for the orderly and effective development of the City of Eastport as a port of entry and trading center and to arrest the steady economic decline which has been experienced over the past 3 decades.