

# MAINE STATE LEGISLATURE

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(EMERGENCY)  
FIRST SPECIAL SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1895

H.P. 1396 House of Representatives, October 5, 1987  
Approved for introduction by a majority of the  
Legislative Council pursuant to Joint Rule 26.

Received by the Clerk of the House on October 2, 1987.  
Referred to the Committee on State and Local Government and  
1,650 ordered printed pursuant to Joint Rule 14.

EDWIN H. PERT, Clerk  
Presented by Representative VOSE of Eastport.

STATE OF MAINE

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

1 AN ACT to Amend the Charter of the Eastport  
2 Port Authority.  
3

4 Emergency preamble. Whereas, Acts of the Legis-  
5 lature do not become effective until 90 days after  
6 adjournment unless enacted as emergencies; and

7 Whereas, the current membership of the Eastport  
8 Port Authority is not exclusively composed of  
9 Eastport residents elected to represent the citizens  
10 of Eastport; and

11 Whereas, upcoming municipal elections provide the  
12 opportunity to remedy this deficiency if the authori-  
13 ty's charter is suitably amended; and

1           Whereas, in the judgment of the Legislature,  
2 these facts create an emergency within the meaning of  
3 the Constitution of Maine and require the following  
4 legislation as immediately necessary for the preser-  
5 vation of the public peace, health and safety; now,  
6 therefore,

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

9           Sec. 1. P&SL 1977, c. 14, §1, 3rd and 4th ¶¶ are  
10 repealed and the following enacted in their place:

11           All 7 directors shall be residents of Eastport  
12 and shall be elected by a majority of the legal vot-  
13 ers voting at an election in the same manner and at  
14 the same time as the election of Eastport city  
15 councilors, for staggered terms of 4 years, provided  
16 that at the next regular or special election under  
17 this section, one director shall be elected for one  
18 year, one for 2 years and one for 3 years. Directors  
19 shall begin their terms of office immediately follow-  
20 ing their election. No director of the authority may  
21 concurrently be a member of the Eastport city council  
22 or may be employed by the City of Eastport as city  
23 manager.

24           Vacancies that may occur by death, resignation or  
25 otherwise shall be filled by appointment by a majori-  
26 ty of the directors of the authority then serving.  
27 Directors appointed in this manner shall serve until  
28 the next election of directors. A director elected  
29 to fill a seat vacated by death, resignation or oth-  
30 erwise shall serve for the remainder of the unexpired  
31 term.

32           Sec. 2. Emergency clause; referendum; effective  
33 date. In view of the emergency cited in the pream-  
34 ble, this Act shall take effect when approved only  
35 for the purpose of permitting its submission to the  
36 legal voters of the City of Eastport voting at a reg-  
37 ular or special election called and held for that  
38 purpose within 90 days after the effective date of  
39 this Act. The election shall be called, advertised  
40 and conducted according to the law relating to munic-  
41 ipal elections; provided, however, that the registrar

1 of voters of the city shall not be required to pre-  
2 pare for posting, nor the city clerk to post, a new  
3 list of voters and for the purpose of registration of  
4 voters the registrar shall be in session the 3 secu-  
5 lar days next preceding the election, the first 2  
6 days thereof to be devoted to registration of voters  
7 and the last day to enable the registrar to verify  
8 the correction of the lists and to complete and close  
9 up his records of the sessions. The city clerk shall  
10 reduce the subject matter of this Act to the follow-  
11 ing question:

12 "Shall 'An Act to Amend the Charter of the  
13 Eastport Port Authority,' as passed by the First Spe-  
14 cial Session of the 113th Legislature, be accepted?"

15 The voters shall indicate by a cross or check  
16 mark placed against the words "Yes" or "No" their  
17 opinion of the same.

18 Upon its acceptance by a majority of the legal  
19 voters voting at the election, this Act shall take  
20 effect for all the purposes hereof; provided that the  
21 total number of votes cast for and against the ac-  
22 ceptance of this Act at the meeting equals or exceeds  
23 20% of the total number of votes cast for Governor in  
24 the city at the last gubernatorial election. Another  
25 election may be held if the total number of votes  
26 cast in the first election does not equal or exceed  
27 20%.

28 This Act shall take effect for all the purposes  
29 hereof immediately upon its acceptance by a majority  
30 of the legal voters voting at the election. The re-  
31 sult of the election shall be declared by the municip-  
32 al officers of the City of Eastport and due certifi-  
33 cate filed by the city clerk with the Secretary of  
34 State. Upon its taking effect, the terms of any cur-  
35 rent directors of the authority no longer qualified  
36 for membership shall terminate and the remaining di-  
37 rectors of the authority shall appoint a sufficient  
38 number of directors to attain full membership. These  
39 appointed directors shall hold the office until di-  
40 rectors are elected at the next election as provided  
41 in this Act.

1 If the directors are unable to appoint additional,  
2 directors because of a failure to achieve a majority  
3 of the current directors qualified to vote, the City  
4 Council shall call a special election to be held  
5 within 60 days for the purpose of electing directors  
6 to fill any vacancies on the authority. The terms of  
7 these directors shall be as provided in this Act.  
8 The authority shall reimburse the City of Eastport  
9 for all costs incurred as a result of the special  
10 election.

11 STATEMENT OF FACT

12 The purpose of this bill is to make possible a  
13 revision to the charter of the Eastport Port Authori-  
14 ty. These proposed changes would still require ap-  
15 proval by the voters of Eastport. The bill revises  
16 the criteria for membership on the board of the  
17 Eastport Port Authority to ensure that all directors  
18 of the authority are residents of Eastport. The bill  
19 also requires the directors to be elected "at large"  
20 with no ex officio members from city government so as  
21 to keep separate the functions of the authority and  
22 city government. The bill revises the method of ap-  
23 pointing temporary directors to fill vacancies in a  
24 manner more consistent with normal corporate prac-  
25 tices and revises the terms of directors to  
26 reemphasize the original intent to maintain a  
27 staggered-term structure. This bill also provides  
28 for ratification of the amended charter by the voters  
29 of Eastport and provides transition provisions for  
30 the selection of new directors.

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