

# MAINE STATE LEGISLATURE

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1 residents elected to represent the citizens of  
2 Eastport; and

3 Whereas, upcoming municipal elections provide the  
4 opportunity to remedy this deficiency if the  
5 authority's charter is suitably amended; and

6 Whereas, in the judgment of the Legislature, these  
7 facts create an emergency within the meaning of the  
8 Constitution of Maine and require the following  
9 legislation as immediately necessary for the  
10 preservation of the public peace, health and safety;  
11 now, therefore,

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

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15 are repealed and the following enacted in their place:

16 All 7 directors shall be residents of Eastport and  
17 shall be elected by a majority of the legal voters  
18 voting at an election in the same manner and at the  
19 same time as Eastport city councilors for staggered  
20 terms of 4 years, provided that, at the next regular  
21 or special election under this section, one director  
22 shall be elected for a term of one year, one for 2  
23 years and one for 3 years. Directors shall begin  
24 their terms of office immediately following their  
25 election.

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

33 **Sec. 2.** Referendum; effective date. In view of  
34 the emergency cited in the preamble, this Act shall  
35 take effect when approved only for the purpose of  
36 permitting its submission to the legal voters of the  
37 City of Eastport voting at the regular state election  
38 in November 1988. The election shall be called,

1 advertised and conducted according to the law relating  
2 to municipal elections; provided that the registrar of  
3 voters of the city shall not be required to prepare  
4 for posting, nor the city clerk to post, a new list of  
5 voters and, for the purpose of registration of voters,  
6 the registrar shall be in session the 3 secular days  
7 next preceding the election, the first 2 days thereof  
8 to be devoted to registration of voters and the last  
9 day to enable the registrar to verify the correction  
10 of the lists and to complete and close up the records  
11 of the sessions. The city clerk shall reduce the  
12 subject matter of this Act to the following question:

13 "Shall the Charter of the Eastport Port Authority  
14 be amended to require that all the directors be  
15 residents of the City of Eastport and be elected  
16 by the voters of the City of Eastport?"

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

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

30 This Act shall take effect for all the purposes  
31 hereof immediately upon its acceptance by a majority  
32 of the legal voters voting at the election. The  
33 result of the election shall be declared by the  
34 municipal officers of the City of Eastport and due  
35 certificate filed by the city clerk with the Secretary  
36 of State. Notwithstanding Private and Special Law  
37 1977, chapter 14, section 1, as amended by this Act,  
38 the terms of any current directors of the authority no  
39 longer qualified for membership shall continue until  
40 the city election of the City of Eastport in December  
41 1988.

1 For the purposes of this election only, candidates  
2 for membership on the Eastport Port Authority at the  
3 December 1988 election shall file nomination papers  
4 with the city clerk of the City of Eastport no later  
5 than November 23, 1988.

6 **Emergency clause.** In view of the emergency  
7 cited in the preamble, this Act shall take effect when  
8 approved.

9 STATEMENT OF FACT

10 The purpose of this bill is to make possible a  
11 revision to the charter of the Eastport Port  
12 Authority. These proposed changes would still require  
13 approval by the voters of Eastport. The bill revises  
14 the criteria for membership on the board of the  
15 Eastport Port Authority to ensure that all directors  
16 of the authority are residents of Eastport. The bill  
17 also requires the directors to be elected "at large"  
18 with no ex officio members from city government to  
19 keep separate the functions of the authority and city  
20 government. The bill revises the method of appointing  
21 temporary directors to fill vacancies in a manner more  
22 consistent with normal corporate practices and revises  
23 the terms of directors to reemphasize the original  
24 intent to maintain a staggered term structure.  
25 Finally, the bill provides for ratification of the  
26 amended charter by the voters of Eastport and provides  
27 transition provisions for the selection of new  
28 directors. A special provision is made for the filing  
29 of nomination papers for candidates for authority  
30 membership. This one-time provision retains the  
31 current 15-day filing period following ratification of  
32 the charter amendment.

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