

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

OK
R. of S.

1
3
5
7
9
11
13
15
17
19
21
23
25
27
29
31
33
35
37
39
41
43
45
47

L.D. 1048
(Filing No. S-324)

STATE OF MAINE
SENATE
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A " to S.P. 404, L.D. 1048, Bill, "An Act to Allow the Board of Harbor Commissioners for Portland Harbor to Charge Service Fees"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. P&SL 1981, c. 98, §2, first ¶ is amended to read:

Sec. 2. Commission established. There is established a Board of Harbor Commissioners for Portland Harbor, which shall be public body corporate and politic and is charged with responsibility for the regulation of navigation and commerce within Portland Harbor in accordance with the provisions of this Act. The commission shall consist of 5 7 members and shall have a quorum of 3 4 members. Two members of the commission shall be appointed by the City of Portland, and these members shall be and continue to be residents of the City of Portland during tenure. Two members of the commission shall be appointed by the City of South Portland, and these members shall be and continue to be residents of the City of South Portland. One--member Three members of the commission,--~~who~~ shall be appointed by the Governor, with the concurrence of ~~both~~ the City Councils of Portland and South Portland. ~~The--initial--term--for--the--member appointed--by--the--Governor--shall--be--for--1--year,--The--City--Councils of--Portland--and--of--South--Portland--shall,--immediately--after--this Act--takes--effect,--or--as--soon--thereafter--as--deemed--advisable,--meet separately--and--appoint--the--2--members--from--each--city--who--shall constitute--the--members--of--the--commission.---Each--council--shall designate--one--member--to--serve--for--a--3--year--term--and--one--member--to serve--a--2--year--term.~~ One of the gubernatorial appointees shall be a holder of a commercial fishing license and one of the gubernatorial appointees shall be a person representing commercial, marine or shipping interests. All appointments

1 thereafter shall be for terms of 3 years, ~~except in the case of a~~
2 ~~vacancy, which shall be for the remainder of the unexpired term~~
3 ~~and shall be staggered. Members appointed to fill a vacancy~~
4 ~~shall serve for the remainder of the unexpired term.~~ Each member
5 shall continue to serve after expiration of his ~~that member's~~
6 term until his ~~a~~ successor is appointed and qualified provided
7 such ~~that~~ service shall not continue in excess of 60 days after
8 expiration of his ~~the~~ term. The ~~5~~ 7 members appointed shall
9 annually elect from their own membership a ~~chairman~~ chair and a
10 clerk, and may from time to time adopt such procedural rules as
11 are necessary for the proper conduct of the business of the
12 commission. A member may be removed for cause, or ~~upon a~~
13 ~~determination that such member is not a resident of that city,~~ in
14 the case of those members appointed by the city councils, ~~upon a~~
15 ~~determination that the member is not a resident.~~ Removal shall
16 be by the appointing council or, in the case of the ~~5th member~~
17 ~~gubernatorially appointed members,~~ by the Governor with
18 concurrence of both of the 2 councils.

19 Sec. 2. P&SL 1981, c. 98, Sec. 5-A is enacted to read:

21 Sec. 5-A. Service fees

23 1. Service fees authorized. The commission may, by the
24 adoption of rules, require annual service fees for the services
25 provided by the harbor master or the harbor master's deputies.
26 These fees shall be set at a reasonable rate, not to exceed \$50
27 per unit of wharf space. For purposes of this section, a "unit
28 of wharf space" means a 50-foot increment of wharf, dock or slip
29 located within the limits of Portland Harbor and used as a
30 docking facility for recreational vessels at any time during the
31 prior calendar year. Any increment of wharf space less than 50
32 feet shall be considered one unit.

35 2. Appeal of service fees to commission. Any party charged
36 a service fee pursuant to this section has the right to request a
37 review hearing. The owner of a wharf, slip or dock shall make
38 this request in writing and file it with the secretary of the
39 commission. The commission shall establish by rule the time
40 within which an appeal must be filed.

41 On receipt of an application for review by the commission,
42 the chair shall designate a time and place for the hearing and
43 make other arrangements for hearing as necessary. The commission
44 may summon witnesses, administer oaths, order the production of
45 books, records, papers, instruments and any additional evidence
46 it deems necessary in order to make a decision.

49 Sec. 3. P&SL 1981, c. 98, §7, sub-§3 is enacted to read:

51 3. Service fees. The harbor master or the harbor master's
deputies shall collect any service fees provided for by section

