

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

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Legislative Document

No. 1048

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S.P. 404

In Senate, April 5, 1989

Reference to the Committee on Marine Resources 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 GILL of Cumberland.

Cosponsored by Representative OLIVER of Portland, Senator BRANNIGAN of Cumberland and Representative CURRAN of Westbrook.

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STATE OF MAINE

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

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An Act to Allow the Board of Harbor Commissioners for Portland Harbor to  
Charge Service Fees.

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

3 **Sec. 1. P&SL 1981, c. 98, §1, sub-§6-A is enacted to read:**

5 6-A. Unit of wharf space. "Unit of wharf space" means a 50  
7 foot increment of wharf, dock or slip used as a docking facility  
9 at any time during the prior calendar year; any increment less  
11 than 50 feet shall be considered to be a full unit.

13 **Sec. 2. P&SL 1981, c. 98, §6-A is enacted to read:**

15 Sec. 6-A. Appeal of service fees to commission. Any party  
17 charged a fee provided for in section 7, subsection 3, has the  
19 right to request a review hearing. The owner of a wharf, slip or  
21 dock shall make this request in writing and file it with the  
23 secretary of the commission. The commission shall establish by  
25 rule the time within which an appeal must be filed.

27 On receipt of an application for review by the commission,  
29 the chair shall designate a time and place for hearing and make  
31 such other arrangements for hearing as may be necessary. The  
33 commission may summon witnesses, administer oaths, order the  
35 production of books, records, papers, instruments and any  
37 additional evidence it deems necessary in order to make a  
39 decision.

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

43 3. Power to charge service fees. Upon a decision of the  
45 commission that the harbor master shall charge service fees, the  
47 harbor master shall charge an annual fee for the services  
49 provided under section 7. The harbor master or the harbor  
master's deputies shall collect these fees from every owner of a  
private or commercial wharf, a public wharf used for a commercial  
purpose or a slip or dock located within the limits of Portland  
Harbor.

The commission shall set these annual fees at a reasonable rate  
per unit of wharf space.

#### 43 **STATEMENT OF FACT**

45 This bill will give the Board of Harbor Commissioners for  
47 Portland Harbor authority to set reasonable service fees for  
49 users of wharf space and gives the harbor master authority to  
collect the fees. An appeal procedure for affected wharf users  
is provided.