

# MAINE STATE LEGISLATURE

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L.D. 1749

(Filing No. H-618 )

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
114TH LEGISLATURE  
FIRST REGULAR SESSION

HOUSE AMENDMENT "A" to S.P. 652, L.D. 1749, Bill, "An Act  
Relating to Public Fish Piers, Airports and Other Transportation  
Facilities"

Amend the bill by striking out all of the title and  
inserting in its place the following:

'An Act Relating to the Portland Fish  
Pier Authority'

Further amend the bill by striking out everything after the  
title and before the statement of fact and inserting in its place  
the following:

**'Emergency preamble.** Whereas, Acts of the Legislature do not  
become effective until 90 days after adjournment unless enacted  
as emergencies; and

**Whereas,** it has become necessary for the management of the  
Portland Fish Pier Authority to be reorganized to ensure the  
continued availability of the site to citizens of Maine; and

**Whereas,** the swift reorganization is imperative to the  
economic viability of the Portland Fish Pier Authority; and

**Whereas,** this Act is necessary to clarify the status of the  
proposed Portland Fish Pier Authority with respect to certain  
provisions of the Maine statutes; and

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

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

3 **Sec. 1. Articles of incorporation.** The Portland Fish Pier  
5 Authority, a local development corporation as defined in the  
7 Maine Revised Statutes, Title 10, section 963-A, subsection 28,  
9 formed by the municipal officers of the City of Portland as a  
11 nonprofit corporation under the Maine Revised Statutes, Title  
13 13-B, shall be subject to this Act upon filing the articles of  
incorporation with the Secretary of State. The authority shall  
promptly file an attested copy of the articles of incorporation  
and any amendments to them with the Executive Director of the  
Legislative Council for distribution to the appropriate joint  
standing committee or committees of the Legislature.

15 **Sec. 2. Quasi-municipal corporation.** The authority shall be  
17 deemed a quasi-municipal corporation for all purposes, including,  
19 without limitation, the Maine Tort Claims Act, Title 14, chapter  
741.

21 **Sec. 3. Freedom of access.** Title 1, chapter 13 shall apply to  
23 the authority, provided that business negotiations concerning  
25 economic use and development of the property of the authority may  
27 be conducted in executive sessions of the authority in accordance  
with Title 1, section 405, subsection 6, paragraph C if premature  
disclosures of the information would prejudice the competitive or  
bargaining position of the authority. Final action on those  
matters may not be conducted in executive session.

29 The financial records and business proposals of any entity, which  
31 are supplied to the authority solely for the purpose of  
33 confidential business negotiations and which have not otherwise  
been made public, are confidential records within the meaning of  
Title 1, section 402, unless otherwise designated by that entity.

35 **Sec. 4. Commissioner of Transportation on board.** The  
37 Commissioner of Transportation, or the commissioner's designee,  
39 may serve on the board of directors of the authority in an  
official capacity.

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

43 **STATEMENT OF FACT**

45 This amendment carries out the intent of the original bill  
47 to implement the organization of the Portland Fish Pier Authority  
49 as a quasi-municipal nonprofit local development corporation. As  
51 such, the authority would be covered under the Maine Revised  
Statutes, the Maine Tort Claims Act and the Freedom of Access  
Act, including the immunities and the availability of executive  
sessions under those Acts. In addition, the amendment will permit

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1 the Commissioner of Transportation, or the commissioner's  
2 designee, to serve upon the board of directors. The faith and  
3 credit of the State is not pledged by the presence of the  
4 commissioner on the board.  
5

Filed by Rep. Moholland of Princeton  
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