

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1749

S.P. 652

In Senate, June 13, 1989

Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BRANNIGAN of Cumberland.

Cosponsored by Senator ANDREWS of Cumberland, Representative OLIVER of Portland and Representative RAND of Portland.

STATE OF MAINE

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

An Act Relating to Public Fish Piers, Airports and Other Transportation Facilities.

(EMERGENCY)



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 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; and

Whereas, the language in the existing Act needs to be clarified to facilitate the reorganization and to enhance and preserve the availability of the fish pier; 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,

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

P&SL 1979, c. 53, §6-B is enacted to read:

Sec. 6-B. Corporations organized for administration. When a municipality has improved land or facilities with funds authorized by this Act and has organized a local development corporation for the purposes of managing or marketing any such land or facilities pursuant to the Maine Revised Statutes, Title 13, chapter 81, or Title 13-B, chapter 1, as they may be amended from time to time, that corporation shall be deemed a quasi-municipal entity for all purposes, including, without limitation, the Maine Tort Claims Act, provided that the provisions of Title 1, chapter 13, subchapter I, shall not apply. The Commissioner of Transportation, or the commissioner's designee, may serve in the commissioner's official capacity on the board of directors of the corporate entities.

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

STATEMENT OF FACT

This bill will permit the Commissioner of Transportation, or the commissioner's designee, to serve upon the board of directors of a local development corporation or a nonprofit corporation that has been formed by a municipality to manage or market land or facilities that have been improved with the funds authorized by this Act. This bill will also extend the privileges and

1 immunities granted to municipalities to these corporations. This
bill contains an exception to the Maine Revised Statutes, Title
3 1, chapter 13, subchapter I, for these corporations, which is
necessary in order for these corporations to function effectively
5 in the business environment.