

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1719

S.P. 652

In Senate, April 29, 1991

Reference to the Committee on Marine Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

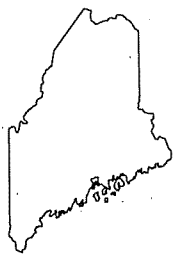
JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator GILL of Cumberland

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

**An Act to Amend the Law Regarding the Portland Board of Harbor
Commissioners.**



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

2
4 Sec. 1. P&SL 1981, c. 98, §2, first ¶, as amended by P&SL 1989, c. 61, §1, is further amended to read:

6 Sec. 2. **Commission established.** There is established a
8 Board of Harbor Commissioners for Portland Harbor, which shall-be
10 is public body corporate and politic and is charged with
12 responsibility for the regulation of navigation and commerce
14 within Portland Harbor in accordance with the provisions of this
16 Act. The commission shall-consist consists of 7 5 members and
18 shall must have a quorum of 4- 3 members. Two members of the
20 commission shall must be appointed by the City of Portland, and
22 these members shall must be and continue to be residents of the
24 City of Portland during tenure. Two members of the commission
26 shall must be appointed by the City of South Portland, and these
28 members shall must be and continue to be residents of the City of
30 South Portland. ~~Three-members~~ One member of the commission shall
32 must be appointed by the Governor, with the concurrence of the
34 City Councils of Portland and South Portland. ~~One--of--the~~
36 gubernatorial--appointees--shall--be--a--holder--of--a--commercial
38 fishing--license--and--one--of--the--gubernatorial--appointees--shall--be
40 a--person--representing--commercial--marine--or--shipping--interests.
42 All appointments shall-be are for terms of 3 years and shall must
44 be staggered. Members appointed to fill a vacancy shall serve
46 for the remainder of the unexpired term. Each member shall
48 continue to serve after expiration of that member's term until a
50 successor is appointed and qualified provided that service shall
52 may not continue in excess of 60 days after expiration of the
 term. The 7 5 members appointed shall annually elect from their
 own membership a chair and a clerk, and may from time to time
 adopt such procedural rules as are necessary for the proper
 conduct of the business of the commission. A member may be
 removed for cause or, in the case of those members appointed by
 the city councils, upon a determination that the member is not a
 resident. Removal shall must be by the appointing council or, in
 the case of the gubernatorially-appointed-members 5th member, by
 the Governor with concurrence of both of the 2 councils.

40 Sec. 2. P&SL 1981, c. 98, §5-A, sub-§1, as enacted by PL 1989, c.
42 61, §2, is amended to read:

44 1. **Service fees authorized.** The commission may shall, by
46 the adoption of rules, require annual service fees for the
48 services provided by the harbor master or the harbor master's
50 deputies. These fees shall must be set at a reasonable rate, not
52 to exceed \$50 per unit of wharf space. For purposes of this
 section a "unit of wharf space" means a 50-foot increment of
 wharf, dock or slip located within the limits of Portland Harbor
 and-used-as-a-docking-facility-for-recreational-vessels-at-any
 time-during-the-prior-calendar-year that is determined "usable"
 by agreement of the harbor master and the wharf, dock or slip

2 owners. Any increment of wharf space less than 50 feet shall-be
3 is considered one unit.

4 **Sec. 3. P&SL 1981, c. 98, §6, 3rd sentence, is amended to read:**

6 The commission shall not promulgate any rule other than as an
7 emergency without first presenting such the rule for review and
8 comment to the Department of Transportation, Bureau of
9 Transportation Planning and Services ~~for review and comment~~ and
10 the City Manager of Portland and the City Manager of South
11 Portland, who shall submit their written comments on the proposed
12 rule to the commission within 14 days.

14 **Sec. 4. P&SL 1981, c. 98, §7, sub-§3, as enacted by P&SL 1989, c.**
15 **61, §3, is amended to read:**

16 **3. Service fees.** The harbor master or the harbor master's
17 deputies shall collect any service fees provided for by section
18 5-A from every owner of a wharf, slip or dock subject to those
19 fees. Wharf and marina owners may assist the harbor master or
20 the harbor master's deputies in collecting the service fees.

22 **Sec. 5. P&SL 1989, c. 61, §4 is repealed.**

24
26 **STATEMENT OF FACT**

28 In 1989, the membership of the Board of Harbor Commissioners
29 for Portland Harbor was increased to 7 members. This bill
30 returns the number of members to 5. The bill also requires the
31 commission to adopt rules requiring service fees and amends the
32 definition of "unit of wharf space." The bill requires the
33 commission to present proposed rules to the City Managers of
34 Portland and South Portland, and requires the submission of
35 comments on the proposed rules within 14 days. The bill also
36 specifically allows wharf and marina owners to assist the harbor
master in the collection of service fees.