

# MAINE STATE LEGISLATURE

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**HOUSING & ECONOMIC DEVELOPMENT**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
116TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1266, L.D. 1693, Bill, "An Act to Revise the Eastport Port Authority Charter"

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 1977, c. 14, §1 is amended to read:

**Sec. 1. Eastport Port Authority created.** There is hereby created the Eastport Port Authority, which shall have has the authority to acquire, construct, operate, maintain, repair and replace piers, ~~terminal~~ terminals, industrial parks, transportation and warehouse facilities, roads, railways and other facilities on the land and in the waters within the limits of the City of Eastport, and enter into contracts for administration, operations, management and consulting services within and beyond the boundaries of the City of Eastport.

There shall be a board of 7 directors who shall exercise the powers and duties of the authority.

The city manager of Eastport, the president of the Eastport city council and a member ~~of the Eastport chamber of commerce, as chosen by the chamber of commerce,~~ representative appointed by the Department of Transportation shall be directors as long as they hold their respective offices, and their successors shall be directors while they hold the respective offices. The other 4 directors shall must be residents of Eastport and shall must be elected by a majority of the legal voters voting at an election, for a term of 4 years, in the same manner and at the same time as Eastport city councilors, provided except that at the first

**COMMITTEE AMENDMENT**

COMMITTEE AMENDMENT "A" to H.P. 1266, L.D. 1693

2 election under this section, one director shall-be is elected for  
one year, one for 2 years, one for 3 years and one for 4 years.  
4 Directors shall begin their terms of office ~~immediately-following~~  
their--election, January 1st and shall serve until their  
6 successors have-been are duly elected and qualified.

8 Vacancies of elected directors that may occur by death,  
resignation or otherwise shall-be are filled by appointment of  
10 the city council, until a successor is elected at the next  
election of directors.

12 All directors shall be sworn to the faithful performance of  
their duties by the city clerk.

14 The members of the board of directors shall serve without  
16 compensation; but shall have the right to appoint assistants,  
agents, engineers, attorneys and other employees as they may deem  
18 consider necessary to carry out the purposes of this Act and  
shall determine their duties and compensation.

20 At each annual meeting, the directors shall elect from their  
22 membership a chairman chair, who shall--serve serves until the  
next annual meeting or until his the chair's successor is chosen  
24 and is qualified. The time for the annual meeting may be  
established in the bylaws ~~promulgated~~ adopted by the directors.

26 The directors shall-be are the administrative officers of  
28 the authority and may employ assistants as they may deem consider  
necessary to carry out this Act. They shall make plans as-seem  
30 best--to--them to obtain title to the wharf or wharves, or  
locations for the wharf or wharves, and they shall have the  
32 authority to acquire, construct, operate, maintain and, repair  
and replace piers, ~~terminal~~ terminals, industrial parks and  
34 transportation and warehouse facilities, roads, railways and  
other facilities on the land and in the waters within the limits  
36 of the City of Eastport, as will in their judgment improve and  
increase the harbor, docking and warehousing facilities in the  
38 City of Eastport and enter into contracts for administration,  
operations, management and consulting services within and beyond  
40 the boundaries of the City of Eastport. With the consent of the  
Eastport city council, or a vote of a majority thereof of the  
42 Eastport city council, the authority may take or acquire within  
the limits of the City of Eastport, real property by purchase or  
44 otherwise, by gift or grant, or by the exercise of the right of  
46 eminent domain, which right is expressly delegated to the  
Eastport Port Authority, and hold the real property and rights  
and easements ~~therein~~ to the real property as the directors may  
48 from time to time consider necessary for the purpose of  
constructing and maintaining the Eastport Port Authority piers,  
50 docks and warehouses, highways and other port facilities, and

R. of S.

COMMITTEE AMENDMENT "A" to H.P. 1266, L.D. 1693

2 shall--~~further~~ have the right to construct suitable buildings,  
 4 filling stations, restaurants or ~~other-structures~~ engage in other  
 6 business opportunities that are not in direct competition with  
 8 established businesses, and have the authority to least lease the  
 10 same, upon the terms as the directors or a majority thereof of  
 12 the directors may determine to be in the best interests of the  
 14 authority, the proceeds from leases to accrue to the credit of  
 16 the Eastport Port Authority. These wharves, buildings and  
 18 property shall--~~be~~ are exempt from taxation by the City of  
 20 Eastport, ~~provided-that~~ except that this exemption shall does not  
 22 exempt any lessee or person in possession, other than the port  
 24 authority, from taxes or assessments payable under the Maine  
 26 Revised Statutes, Title 36, section 551. The Port Authority has  
 28 the right to acquire property without the approval of the city  
 30 council, except that the property so acquired may not be exempted  
 32 from taxation. The authority shall render annually, at the end  
 34 of the fiscal year, a an annual report to the city council,  
 36 showing ~~all-transactions-and-balances~~ financial reports, together  
 with and recommendations and plans for the improvement and  
 operation of the ~~public-landing-and-warehousing~~ facilities. The  
 board of directors shall ~~have~~ has the power to establish bylaws  
 and all rules and regulations governing the operation and  
 maintenance of the ~~public-landing-and~~ facilities under the  
control of the Eastport Port Authority; charge such fees as may,  
 in their judgment, be necessary for parking, docking and storage  
 privileges; contract for the construction of the wharf or  
 wharves, warehouse or warehouses, and borrow money for these  
 purposes; arrange for its financing; and provide for its  
 protection by insurance against damage by fire, water or wind and  
 for any other casualty which the directors wish to insure  
 against, and for liability against injury to persons and  
 property. The directors may accept federal, state and private  
 grants and contributions for the purposes of this Act and may  
enter into partnerships, joint ventures or other business  
relationships, either directly or through an affiliate  
corporation owned by the authority.

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FISCAL NOTE

42 The Department of Transportation will incur some minor  
 44 additional costs to appoint or participate as a member of the  
 46 Eastport Port Authority. These costs can be absorbed within the  
 department's existing budgeted resources.'

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STATEMENT OF FACT

52 This amendment clarifies that the Eastport Port Authority  
 may not take property outside of its jurisdiction off of the tax

COMMITTEE AMENDMENT

R. of S.

COMMITTEE AMENDMENT "A" to H.P. 1266, L.D. 1693

2 rolls, changes the membership to include an appointee from the  
Department of Transportation and prohibits the authority from  
4 engaging in direct competition with established businesses. The  
amendment also adds a fiscal note to the bill.