

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

SECOND REGULAR SESSION-1994

Legislative Document

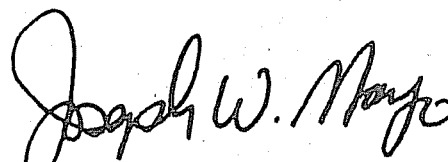
No. 1693

H.P. 1266

House of Representatives, January 11, 1994

An Act to Revise the Eastport Port Authority Charter.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26. Reference to the Committee on Housing and Economic Development suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative TOWNSEND of Eastport.
Cosponsored by Senator VOSE of Washington and
Representatives: BAILEY of Township 27, CLOUTIER of South Portland, CONSTANTINE of Bar Harbor, DRISCOLL of Calais, ERWIN of Rumford, GWADOSKY of Fairfield, MORRISON of Bangor, NORTON of Winthrop, PARADIS of Augusta, Senators: BRANNIGAN of Cumberland, FOSTER of Hancock.

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

2
4 Sec. 1. P&SL 1977, c. 14, §1 is amended to read:

6 **Sec. 1. Eastport Port Authority created.** There is hereby created
8 the Eastport Port Authority, which shall have the authority to
10 acquire, construct, operate, maintain, repair and replace piers,
12 ~~terminal~~ terminals, industrial parks and 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 other communities of the region.

14 There shall be a maximum board of 7 9 directors who shall
exercise the powers and duties of the authority.

16 The city manager of Eastport, the president of the Eastport
18 city council and a member of the Eastport area chamber of
commerce, as chosen by the said chamber of commerce, shall be
20 directors as long as they hold their respective offices, and
their successors shall be directors while they hold the
22 respective offices. ~~The--other--4~~ Four directors shall be
residents of Eastport and shall be elected by a majority of the
24 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,
26 provided that at the first election under this section, one
director shall be elected for one year, one for 2 years, one for
3 years and one for 4 years. Directors shall begin their terms
28 of office immediately following their election, and shall serve
until their successors have been duly elected and qualified. Two
30 directors' positions are authorized to be created by the board of
32 directors if needed to provide for representation by other
34 communities where the authority may develop a significant
presence. These directors must be residents of the town they
represent and must be elected by a majority of the town they
represent.

36 Vacancies that may occur by death, resignation or otherwise
38 shall be filled by appointment of the ~~city-council~~ appropriate
body politic, until a successor is elected at the next election
40 of directors.

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

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

50 At each annual meeting, the directors shall elect from their
52 membership a chairman, who shall serve until the next annual

2 meeting or until his successor is chosen and is qualified. The
time for the annual meeting may be established in the bylaws
promulgated by the directors.

4
6 The directors shall be the administrative officers of the
authority and may employ assistants as they may deem necessary to
carry out this Act. They shall make plans as seem best to them
8 to obtain title to the wharf or wharves, or locations for the
wharf or wharves, and they shall have the authority to acquire,
10 construct, operate, maintain and, repair and replace piers,
~~terminal-and~~ terminals, industrial parks and transportation and
12 warehouse facilities, roads, railways and other facilities on the
land and in the waters ~~within-the-limits-of-the-City-of-Eastport,~~
14 as will in their judgment improve and increase the harbor,
docking and warehousing facilities ~~in-the-City-of-Eastport and~~
16 support the general economy of the region. With-the-consent-of
~~the-Eastport-city-council,-or-a-vote-of-a-majority-thereof,-the~~
18 The authority may take or acquire ~~within-the-limits-of-the-City~~
~~of-Eastport,~~ real property by purchase or otherwise, by gift or
20 grant, or by the exercise of the right of eminent domain, which
right is expressly delegated to the Eastport Port Authority,
22 and. Before the authority may purchase property that will be
removed from the tax rolls of a municipality, the purchase must
24 be approved by a majority of the local municipal governing body.
The right of eminent domain may not be exercised without consent
26 of the affected local municipal governing body or a majority of
the local municipal governing body. The authority may hold the
28 real property and rights and easements therein as the directors
may from time to time consider necessary for the purpose of
30 constructing and maintaining the Eastport Port Authority piers,
docks and warehouses, highways and other port facilities, and
32 shall further have the right to construct suitable buildings,
filling stations, restaurants or ~~ether-structures~~ engage in other
34 business opportunities, and have the authority to least the same,
upon the terms as the directors or a majority thereof may
36 determine to be in the best interests of the authority, the
proceeds from leases to accrue to the credit of the Eastport Port
38 Authority. ~~These-wharves,-buildings-and-property-shall-be~~ All
property currently owned by the authority and development
40 underway shall remain exempt from taxation by the City of
Eastport, provided that this exemption shall not exempt any
42 lessee or person in possession, other than the port authority,
from taxes or assessments payable under the Revised Statutes,
44 Title 36, section 551. The authority shall render annually, at
the end of the fiscal year, a an annual report to ~~the-city~~
46 ~~eeuneil~~ all affected municipalities, showing ~~all-transactions-and~~
~~balanees~~ financial reports, together with and recommendations and
48 plans for the improvement and operation of the ~~publie-landing-and~~
~~warehousing~~ facilities. The board of directors shall have the
50 power to establish bylaws and all rules and regulations governing
the operation and maintenance of the

1 ~~public-landing-and~~ facilities under the control of the Eastport
2 Port Authority; charge such fees as may, in their judgment, be
3 necessary for parking, docking and storage privileges; contract
4 for the construction of the wharf or wharves, warehouse or
5 warehouses, and borrow money for these purposes; arrange for its
6 financing; and provide for its protection by insurance against
7 damage by fire, water or wind and for any other casualty which
8 the directors wish to insure against, and for liability against
9 injury to persons and property. The directors may accept
10 federal, state and private grants and contributions for the
11 purposes of this Act and may enter into partnerships, joint
12 ventures or other business relationships, either directly or
13 through an affiliate corporation owned by the authority.
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17 **STATEMENT OF FACT**

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19 The purpose of this bill is to expand the jurisdiction of
20 the Eastport Port Authority to include areas outside the boundary
21 of Eastport.
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28 This document has not yet been reviewed to determine the
29 need for cross-reference, stylistic and other technical
30 amendments to conform existing law to current drafting standards.