

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1870

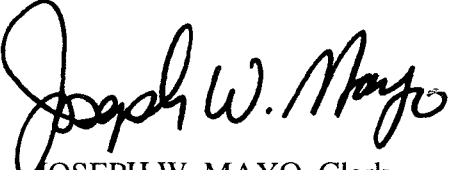
H.P. 1306

House of Representatives, March 16, 1999

An Act to Change the Charter of the Eastport Port Authority.

(EMERGENCY)

Reference to the Committee on Business and Economic Development suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative GOODWIN of Pembroke.

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

4
6 **Whereas,** the Port of Eastport provides valuable economic
benefits to all the people of Washington County; and

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

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

16 **Sec. 1. P&SL 1977, c. 14, §1, 2nd ¶** is repealed.

18 **Sec. 2. P&SL 1977, c. 14, §1, 3rd ¶**, as amended by P&SL 1993, c.
20 82, §1, is repealed and the following enacted in its place:

22 A board of directors is established to exercise the power
and duties of the authority. The board consists of the following
24 13 voting members:

26 1. The city manager of Eastport, who serves ex officio;

28 2. The president of the Eastport City Council, who serves
ex officio;

30 3. A representative appointed by the Department of
32 Transportation;

34 4. Four members who are residents of the City of Eastport.
The members must be elected by a majority of the legal voters at
36 an election, for terms of 4 years, in the same manner and at the
same time as Eastport city councilors. The term for a member
38 elected under this paragraph begins January 1st and that member
serves until a successor is duly elected and qualified; and

40 5. Six members, consisting of 2 members from each of the 3
Washington County commissioner districts established under the
42 Maine Revised Statutes, Title 30-A, section 66, subsection 15.
The county commissioners of each district must initially appoint
44 2 members by majority vote within 30 days of the effective date
of this paragraph. These members serve until December 31, 2000.
46 The members must be elected at the next general election, to be
held November 2000. At that election, members from the 3 county
48 commissioner districts must be elected by a majority of the legal
voters of those districts voting at that election. The election

2 must be held in the same manner as an election for Washington
3 County commissioners. The elected members serve for 3-year
4 terms. The term for an elected member begins January 1st and
5 that member serves until a successor is duly elected and
6 qualified. A member under this paragraph may not be elected to
7 more than 2 consecutive terms.

8 **Sec. 3. P&SL 1977, c. 14, §1, 4th ¶,** as amended by P&SL 1993, c.
9 82, §1, is further amended to read:

10
11 Vacancies of elected directors that may occur by death,
12 resignation or otherwise are filled by appointment of the ~~city~~
13 ~~council~~ appointing authority for that director, until a successor
14 is elected at the next election of directors.

15 **Sec. 4. P&SL 1977, c. 14, §3, first paragraph, 3rd sentence from the**
16 **end** is amended to read:

17
18 The bonds and notes ~~shall--be~~ are legal obligations of the
19 authority, which is hereby declared to be a quasi-municipal
20 corporation within the meaning of the Maine Revised Statutes,
21 Title 30 30-A, section 5953 5701, and all the provisions of the
22 section shall be applicable thereto.

23
24 **Sec. 5. P&SL 1977, c. 14, §3, first paragraph** is amended by adding
25 after the 3rd sentence from the end a new sentence to read:

26
27 For the purposes of the debt liability of the Eastport Port
28 Authority, on and after January 1, 2000 the quasi-municipal
29 corporation includes all the personal property of the residents
30 and the real estate within the boundaries of Washington County.

31
32 **Sec. 6. Emergency clause; referendum; effective date.** In view of
33 the emergency cited in the preamble, this Act takes effect when
34 approved only for the purpose of permitting its submission to the
35 legal voters within Washington County as an election called for
36 that purpose and held by December 31, 1999. The election must be
37 called by the municipal officers of the respective towns within
38 Washington County and must be held at the regular voting places.
39 The election must be called, advertised and conducted according
40 to the law relating to municipal elections. The registrars shall
41 make a complete list of all the eligible voters of the proposed
42 authority as described in this Act. The list prepared by the
43 registrars governs the eligibility of a voter. For the purposes
44 of registration of voters, the registrars of voters must be in
45 session the secular day preceding the election. The subject
46 matter of this Act is reduced to the following question:
47
48

2 "Do you favor amending the Eastport Port Authority charter
to include 6 representatives from Washington County and to expand
4 the liability for new bonds issued by the authority from all
property within the boundaries of the City of Eastport to all
6 property within the boundaries of Washington County?"

8 The voters shall indicate by a cross or check mark placed
against the words "Yes" or "No" their opinion of the same.

10 The results must be declared by the municipal officers and
12 due certificates of the results filed by the clerks with the
Secretary of State.

14 This Act takes effect for all purposes immediately upon its
approval by:

16
18 A. A majority of the legal voters of the City of Eastport
voting at the election; and

20 B. A majority of the legal voters in Washington County, not
22 including votes cast in the City of Eastport, voting at the
election.

24

SUMMARY

26

28 This bill expands the membership of the Eastport Port
Authority to include 6 members from Washington County. It also
30 expands the liability for new bonds issued by the authority from
all property within the boundaries of the City of Eastport to all
property within the boundaries of Washington County.