

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 1339

S.P. 466

In Senate, March 17, 2005

### **An Act To Amend the Laws Governing the Powers and Duties of the Washington County Development Authority**

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Reference to the Committee on Business, Research and Economic Development 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 RAYE of Washington.  
Cosponsored by Representative McFADDEN of Dennysville and  
Representatives: DUGAY of Cherryfield, EMERY of Cutler, McLEOD of Lee, PERRY of  
Calais.

2  
3 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 5 MRSA §13083-A**, as enacted by PL 2001, c. 568, §1,  
5 is amended to read:

6 **§13083-A. Washington County Development Authority established**

7 The Washington County Development Authority is established  
8 as a body corporate and politic and a public instrumentality of  
9 the State to carry out the provisions of this article. The  
10 authority is authorized to take title, acquire and manage in the  
11 name of the State and by agreement with the Federal Government  
12 the property located within the geographical boundaries of any  
13 decommissioned federal military facility located within  
14 Washington County. The authority is also authorized to purchase,  
15 develop, redevelop, sell and lease commercial, residential and  
16 public property for the purpose of developing the economy of  
17 Washington County. This authorization allows the authority to  
18 provide financial and technical assistance to any governmental  
19 entity and nonprofit located within Washington County in support  
20 of community and economic development projects.

21  
22 **Sec. 2. 5 MRSA §13083-B, sub-§§3 and 5**, as enacted by PL 2001,  
23 c. 568, §1, are amended to read:

24  
25 **3. Primary impact community.** "Primary impact community"  
26 means ~~the--municipalities--of--Cutler,--Machias,--East--Machias,~~  
27 ~~Eastport,--Lubec,--Whiting--and--Dennysville~~ all municipalities in  
28 Washington County, including the unorganized territories.

29  
30 **5. Real or personal property.** "Real or personal property"  
31 means any property or assets transferred by the Federal  
32 Government or the United States Department of Defense pursuant to  
33 the closure of a federal military installation located in  
34 Washington County. "Real or personal property" also means any  
35 property or assets purchased, sold, developed, redeveloped or  
36 leased by the authority pursuant to its authority under this  
37 article.

38  
39 **Sec. 3. 5 MRSA §13083-C, sub-§1, ¶¶F-1 to F-3** are enacted to  
40 read:

41  
42 F-1. Borrow money and apply for and accept advances, loans,  
43 grants, contributions and other forms of financial  
44 assistance from the Federal Government, the State, a  
45 municipality or other public body or from other sources,  
46 public or private, for the purposes provided in this  
47 article, give any security that is required and enter into  
48 and carry out contracts in connection with that financial  
49 assistance;  
50

2 F-2. Charge and collect fees, charges and rents for the use  
4 of the properties and other services and use the proceeds of  
6 those fees, charges and rents for the purposes provided in  
8 this article;

10 F-3. Employ an executive director and other staff as  
12 considered necessary by the board of trustees;

14 **Sec. 4. 5 MRSA §13083-C, sub-§2**, as enacted by PL 2001, c.  
16 568, §1, is amended to read:

18 **2. Membership; appointment.** The authority is governed by a  
20 board of trustees composed of no fewer than 9 and no more than 13  
22 voting members appointed or designated by the Governor.

24 A. The Governor shall make no fewer than 8 and no more than  
26 12 appointments to the board of trustees, 6 of which must be  
28 3/4 of whom must be selected from a pool of candidates who  
30 are residents of Washington County and are nominated by the  
32 primary-impact-communities appointed from a list compiled by  
34 the Sunrise County Economic Council or other bona fide  
36 Washington County-based economic development organization.  
38 The Governor shall appoint members who reflect the diversity  
40 of interests represented by these communities. The Governor  
42 shall ensure that all regions of the county are represented  
44 on the board of trustees. A municipality may not have more  
46 than 2 trustees sitting on the board of trustees  
48 simultaneously.

50 B. The Governor shall designate a commissioner of a  
department of State Government to be a voting, ex officio  
member of the board of trustees. That commissioner may name  
a designee.

The 8 appointed members are subject to review by the joint  
standing committee of the Legislature having jurisdiction over  
business and economic development matters and to confirmation by  
the Senate.

**Sec. 5. 5 MRSA §13083-C, sub-§§3, 4 and 7**, as enacted by PL  
2001, c. 568, §1, are amended to read:

**3. Terms.** Trustees are appointed for 4-year terms, ~~except~~  
~~that, for initial appointments, one trustee is appointed to a~~  
~~one-year term, 2 trustees to 2-year terms, 2 trustees to 3-year~~  
~~terms and 3 trustees to 4-year terms.~~ The commissioner  
designated pursuant to subsection 2, paragraph B, or that  
commissioner's designee, serves at the pleasure of the Governor.  
A trustee continues to hold office until a successor is appointed

2 and qualified, but the term of the successor is not altered from  
the original expiration date of that term. A person may not  
serve more than 2 consecutive 4-year terms as a trustee.

4  
6 **4. Quorum.** ~~Five-members~~ A majority of appointed and sworn  
trustees constitute a quorum. ~~Five--affirmative--votes--are~~ A  
8 majority vote of those present and voting is required for the  
board of trustees to take action.

10 **7. Officers; temporary agents.** The trustees shall elect a  
12 chair and vice-chair from among ~~their-members~~ the trustees. The  
~~authority may contract with technical experts and other temporary~~  
14 ~~agents that it requires if the authority has available funds to~~  
~~reimburse--such--experts--and--agents--for--their--services.~~ The  
16 authority may employ an executive director, technical experts and  
other agents and employees, permanent and temporary, that it  
18 requires and may determine their qualifications, duties and  
compensation. For required legal services, the authority may  
retain its own legal counsel.

20 **Sec. 6. 5 MRSA §13083-D**, as enacted by PL 2001, c. 568, §1,  
22 is amended to read:

24 **§13083-D. Property of authority**

26 The authority may lease, sell or transfer property or  
28 interests in property ~~to a local development corporation or other~~  
~~entity--determined--by--the--trustees--to--be--eligible--to--take~~  
~~ownership and possession of the property or interests in property~~  
30 ~~to accomplish the readjustment or reuse of the facilities~~ owned  
32 by the authority. A person may not hold any pecuniary interest  
in property owned by the authority while that person is a member  
34 of the board of trustees.

36 **SUMMARY**

38 This bill amends the laws governing the powers and duties of  
the Washington County Development Authority. It expands the  
40 powers of the authority to include buying, selling, developing,  
redeveloping and leasing property for the purpose of further  
42 developing the economy of Washington County. The bill also  
enables the membership of the board of trustees to expand to 13  
44 members. The bill also expands the definition of "primary impact  
community" to include all of the municipalities and unorganized  
46 territories in the county.