

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

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Legislative Document

No. 1249

S.P. 435

March 8, 2007

An Act To Amend the Composition of the Maine Port Authority

Submitted by the Department of Transportation pursuant to Joint Rule 204.
Reference to the Committee on Transportation 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 DAMON of Hancock.
Cosponsored by Representative MARLEY of Portland.

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

2 **Sec. 1. 5 MRSA §285, sub-§1, ¶F-6** is enacted to read:

3 F-6. Any employee of the Maine Port Authority;

4 **Sec. 2. 23 MRSA §4421**, as amended by PL 1983, c. 812, §147, is repealed and
5 the following enacted in its place:

6 **§4421. Directors; appointment; president; vacancy**

7 The Maine Port Authority consists of a board of directors, referred to in this section
8 as "the board." The board consists of 7 directors who must be broadly representative of
9 the State and must have a background in international trade, marine transportation,
10 finance or economic development. Six directors are appointed by the Governor, each to
11 serve for 4 years. The remaining director is the Commissioner of Transportation, who
12 serves as chair of the board and president. The president of the Maine International Trade
13 Center serves as an ex officio member of the board. The directors shall elect a vice-chair,
14 treasurer and other officers as the board determines necessary. A vacancy must be filled
15 for an unexpired term by the Governor.

16 **1. Meetings of directors; compensation.** All the powers of the Maine Port
17 Authority may be exercised by the board in lawful meeting, and a majority of the
18 directors is necessary for a quorum. Regular meetings of the board may be established by
19 bylaw, and notice need not be given to the directors of a regular meeting. Each director is
20 entitled to compensation in the amount of \$100 per board meeting plus expenses, but only
21 if the compensation is provided solely from the revenues of the Maine Port Authority.

22 **2. Actions at law or in equity.** Actions at law or in equity in the courts of this State
23 or before the Public Utilities Commission or Workers' Compensation Board may be
24 brought by or against the Maine Port Authority as if it were a private corporation, except
25 that its property may not be attached, trustee or sequestered, but, if a judgment
26 recovered against it is not paid within 30 days, its personal property may be seized on
27 execution.

28 **Sec. 3. 23 MRSA §4430** is enacted to read:

29 **§4430. Employees**

30 **1. Employees.** The board of directors of the Maine Port Authority may hire
31 employees as the board considers necessary to fulfill its purposes. The board may also
32 contract for the services of assistants, attorneys, experts, inspectors and consultants as the
33 board considers necessary or desirable for its purposes.

34 **2. Retirement.** Employees of the Maine Port Authority are subject to the state
35 retirement system provisions of Title 5, Part 20 and the state employee health insurance
36 program under Title 5, chapter 13, subchapter 2.

37 The retirement accounts of state employees transferred to the authority in its capacity as
38 an independent agency must remain in the state regular plan. New employees of the

1 authority shall also become members of the Maine State Retirement System under the
2 state regular plan. The authority shall make employer retirement plan contributions at the
3 state regular plan rate. Employee retirement plan contributions are at the state regular
4 plan rate.

5 Authority employees are entitled to receive the same retirement health benefits as state
6 employees.

7 3. Fringe benefits. The accrued fringe benefits of state employees transferred to the
8 Maine Port Authority in its capacity as an independent agency, including vacation and
9 sick leave, health and life insurance and retirement, remain with the transferred
10 employee.

11 **SUMMARY**

12 This bill increases the number of members on the Maine Port Authority's board of
13 directors from 5 to 7, clarifies the general qualifications for membership, allows the
14 president of the Maine International Trade Center to be an ex officio member of the
15 board, transfers liability for compensation and expenses of board members fully to the
16 authority and requires that employees of the authority be subject to the state retirement
17 system and state employee health insurance program, with all costs for these benefits to
18 be paid by the authority.