

MAINE STATE LEGISLATURE

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LAWS

OF THE

STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FOURTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 7, 1988 to July 1, 1989

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
SEPTEMBER 30, 1989

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1989

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE

FIRST REGULAR SESSION

of the

ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

PART C

Allocation. The following funds are allocated from Federal Expenditure funds to carry out the purposes of this Act.

	1989-90	1990-91
INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF		
Fisheries and Hatcheries - Federal Aid		
Personal Services	\$98,478	\$103,014
Provides funds for 6 limited period fish and wildlife technicians for the department's fishery management regions to utilize expanded federal sport fish restoration money. Represents 75% Federal Expenditure share of the total costs.		

PART D

Allocation. The following funds are allocated from dedicated revenues of the Department of Inland Fisheries and Wildlife to carry out the purposes of this Act.

	1989-90
INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF	
Enforcement Operations - Inland Fisheries and Wildlife	
Positions	(20)
Personal Services	\$928,858
All Other	71,142
Provides funds for 20 Game Warden positions which have historically been funded in this account. This allocates balance forward for these positions because of the adjustment made to the General Fund Part II.	

DEPARTMENT OF INLAND FISHERIES AND WILDLIFE	
TOTAL	<u>\$1,000,000</u>

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect July 1, 1989.

Effective July 1, 1989.

CHAPTER 61

S.P. 404 - L.D. 1048

An Act to Allow the Board of Harbor Commissioners for Portland Harbor to Charge Service Fees

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

Sec. 1. P&SL 1981, c. 98, §2, first ¶ is amended to read:

Sec. 2. Commission established. There is established a Board of Harbor Commissioners for Portland Harbor, which shall be public body corporate and politic and is charged with responsibility for the regulation of navigation and commerce within Portland Harbor in accordance with the provisions of this Act. The commission shall consist of ~~5~~ 7 members and shall have a quorum of ~~3~~ 4 members. Two members of the commission shall be appointed by the City of Portland, and these members shall be and continue to be residents of the City of Portland during tenure. Two members of the commission shall be appointed by the City of South Portland, and these members shall be and continue to be residents of the City of South Portland. ~~One member~~ Three members of the commission, ~~who~~ shall be appointed by the Governor, with the concurrence of both the City Councils of Portland and South Portland. ~~The initial term for the member appointed by the Governor shall be for 1 year. The City Councils of Portland and of South Portland shall, immediately after this Act takes effect, or as soon thereafter as deemed advisable, meet separately and appoint the 2 members from each city who shall constitute the members of the commission. Each council shall designate one member to serve for a 3-year term and one member to serve a 2-year term. One of the gubernatorial appointees shall be a holder of a commercial fishing license and one of the gubernatorial appointees shall be a person representing commercial, marine or shipping interests. All appointments thereafter shall be for terms of 3 years, except in the case of a vacancy, which shall be for the remainder of the unexpired term and shall be staggered. Members appointed to fill a vacancy shall serve for the remainder of the unexpired term. Each member shall continue to serve after expiration of his that member's term until his a successor is appointed and qualified provided such that service shall not continue in excess of 60 days after expiration of his the term. The 5 7 members appointed shall annually elect from their own membership a chairman chair and a clerk, and may from time to time adopt such procedural rules as are necessary for the proper conduct of the business of the commission. A member may be removed for cause; or upon a determination that such member is not a resident of that city, in the case of those members appointed by the city councils, upon a determination that the member is not a resident. Removal shall be by the appointing council or, in the case of the 5th member gubernatorially appointed members, by the Governor with concurrence of both of the 2 councils.~~

Sec. 2. P&SL 1981, c. 98, Sec. 5-A is enacted to read:

Sec. 5-A. Service fees

1. Service fees authorized. The commission may, by the adoption of rules, require annual service fees for the services provided by the harbor master or the harbor master's deputies. These fees shall be set at a reasonable rate, not to exceed \$50 per unit of wharf space. For purposes of

this section, a "unit of wharf space" means a 50-foot increment of wharf, dock or slip located within the limits of Portland Harbor and used as a docking facility for recreational vessels at any time during the prior calendar year. Any increment of wharf space less than 50 feet shall be considered one unit.

2. Appeal of service fees to commission. Any party charged a service fee pursuant to this section has the right to request a review hearing. The owner of a wharf, slip or dock shall make this request in writing and file it with the secretary of the commission. The commission shall establish by rule the time within which an appeal must be filed.

On receipt of an application for review by the commission, the chair shall designate a time and place for the hearing and make other arrangements for hearing as necessary. The commission may summon witnesses, administer oaths, order the production of books, records, papers, instruments and any additional evidence it deems necessary in order to make a decision.

Sec. 3. P&SL 1981, c. 98, §7, sub-§3 is enacted to read:

3. Service fees. The harbor master or the harbor master's deputies shall collect any service fees provided for by section 5-A from every owner of a wharf, slip or dock subject to those fees.

Sec. 4. Appointment of new members. The 2 gubernatorial appointees added to the commission by this Act shall be appointed immediately after this Act takes effect, or as soon thereafter as deemed possible. Notwithstanding Private and Special Law 1981, chapter 98, section 2, in order to maintain the staggered membership of the commission, the initial terms of those 2 members shall expire in 1992.

See title page for effective date.

CHAPTER 62

S.P. 652 - L.D. 1749

An Act Relating to the Portland Fish Pier Authority

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

Whereas, it has become necessary for the management of the Portland Fish Pier Authority to be reorganized to ensure the continued availability of the site to citizens of Maine; and

Whereas, the swift reorganization is imperative to the economic viability of the Portland Fish Pier Authority; and

Whereas, this Act is necessary to clarify the status of the proposed Portland Fish Pier Authority with respect to certain provisions of the Maine statutes; and

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

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

Sec. 1. Articles of incorporation. The Portland Fish Pier Authority, a local development corporation as defined in the Maine Revised Statutes, Title 10, section 963-A, subsection 28, formed by the municipal officers of the City of Portland as a nonprofit corporation under the Maine Revised Statutes, Title 13-B, shall be subject to this Act upon filing the articles of incorporation with the Secretary of State. The authority shall promptly file an attested copy of the articles of incorporation and any amendments to them with the Executive Director of the Legislative Council for distribution to the appropriate joint standing committee or committees of the Legislature.

Sec. 2. Quasi-municipal corporation. The authority shall be deemed a quasi-municipal corporation for all purposes, including, without limitation, the Maine Tort Claims Act, Title 14, chapter 741.

Sec. 3. Freedom of access. Title 1, chapter 13 shall apply to the authority, provided that business negotiations concerning economic use and development of the property of the authority may be conducted in executive sessions of the authority in accordance with Title 1, section 405, subsection 6, paragraph C if premature disclosures of the information would prejudice the competitive or bargaining position of the authority. Final action on those matters may not be conducted in executive session.

The financial records and business proposals of any entity, which are supplied to the authority solely for the purpose of confidential business negotiations and which have not otherwise been made public, are confidential records within the meaning of Title 1, section 402, unless otherwise designated by that entity.

Sec. 4. Commissioner of Transportation on board. The Commissioner of Transportation, or the commissioner's designee, may serve on the board of directors of the authority in an official capacity.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective June 28, 1989.
