



# 130th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2022

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Legislative Document

No. 1796

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H.P. 1337

House of Representatives, December 9, 2021

### An Act To Coordinate Marine Port Development

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Submitted by the Department of Transportation pursuant to Joint Rule 203.

Received by the Clerk of the House on December 7, 2021. Referred to the Committee on Transportation pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative MARTIN of Sinclair.  
Cosponsored by Senator FARRIN of Somerset.

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

2 **Sec. 1. 23 MRSA §4420, first ¶**, as amended by PL 1999, c. 753, §4, is further  
3 amended to read:

4 The Maine Port Authority, as established by Title 5, section 12004-F, subsection 8, is  
5 a body both corporate and politic in the State established for the general purpose of  
6 acquiring, financing, constructing and operating any kind of marine port terminal facility  
7 and railroad facility that directly supports marine port operations within the State in  
8 coordination with the Department of Transportation with all the rights, privileges and  
9 power powers necessary. Oil pipelines and other oil off-loading facilities are limited to sites  
10 in Portland and Searsport harbors.

11 **Sec. 2. 23 MRSA §4423, sub-§3**, as amended by PL 1993, c. 649, Pt. J, §3, is  
12 further amended to read:

13 **3. Money received.** All money received from any bonds issued must be applied solely  
14 for the establishment, acquisition or effectuation of marine port terminal facilities, railroad  
15 facilities that directly support marine port operations and things incidental ~~thereto~~ to those  
16 facilities, for the construction of proposed facilities, improvement of existing or acquired  
17 facilities and the fulfillment of other undertakings that are within the power of the authority.  
18 There is created a lien upon the money until so applied in favor of the bondholders or any  
19 trustee as may be provided in respect of the bonds.

20 **Sec. 3. 23 MRSA §4428**, as enacted by PL 1997, c. 643, Pt. AA, §2, is amended to  
21 read:

22 **§4428. ~~Statewide transportation infrastructure strategy~~ Funds received to support**  
23 **marine port linkages**

24 Notwithstanding any other provision of this subchapter, funds ~~repaid~~ paid to the Maine  
25 Port Authority as a result of state investments or loans for the ~~redevelopment~~ development  
26 of ~~Maek Point~~ must marine port terminal facilities may be used by the Maine Port  
27 Authority, in cooperation with the Department of Transportation, to undertake projects that  
28 link the State's marine ports and rail systems with the transportation infrastructure  
29 ~~throughout the State~~ to freight networks within the State.

30 **Sec. 4. 23 MRSA §4429**, as enacted by PL 2001, c. 439, Pt. LLLL, §1, is amended  
31 to read:

32 **§4429. Marketing program**

33 The Maine Port Terminal Facilities Marketing Program is established to encourage and  
34 promote business opportunities for ~~Eastport's~~ marine port terminal facility ~~facilities~~  
35 developed by the Maine Port Authority or the Department of Transportation. The Maine  
36 Port Authority shall develop and implement the marketing program. The authority may  
37 enter into agreements or cooperative arrangements with any person or entity for the purpose  
38 of increasing the use of ~~Eastport's~~ marine port terminal facility ~~facilities~~ developed by the  
39 Maine Port Authority or the Department of Transportation. The authority may receive,  
40 administer and disburse funds, either independently or in conjunction with state funds  
41 allocated for the purpose, ~~provided that~~ as long as funds so contributed ~~must be~~ are  
42 used only for the purpose of marketing and economic development programs.

1           **Sec. 5. 23 MRSA §4430, sub-§1**, as enacted by PL 2007, c. 134, §5, is amended to  
 2 read:

3           **1. Employees; executive director.** The board of directors of the Maine Port Authority  
 4 may, with the approval of the Commissioner of Transportation, shall hire an executive  
 5 director and set the compensation, fringe benefits and term and determine all other  
 6 significant employment provisions regarding the executive director. The board may  
 7 authorize the executive director to hire other employees as the board considers necessary  
 8 or desirable to fulfill its purposes, if the board approves the compensation, fringe benefits  
 9 and terms and determines all other significant provisions regarding those employees. The  
 10 board may also ~~contract~~ authorize the executive director to competitively procure contracts  
 11 for ~~the services of assistants,~~ port operations, capital planning services, engineers,  
 12 construction contractors, marketing services, finance and accounting services, attorneys,  
 13 experts, inspectors and other consultants as the board considers or services necessary or  
 14 desirable ~~for~~ to fulfill its purposes.

15           **Sec. 6. 23 MRSA §4431** is enacted to read:

16           **§4431. Report to Legislature; departmental review of certain fiscal items**

17           **1. Annual report.** Beginning January 1, 2023, on an annual basis, the Maine Port  
 18 Authority shall present a report of the authority's activities for the preceding fiscal year,  
 19 including a report of its receipts and expenditures from all sources and a description of  
 20 progress toward its strategic goals, to the Legislative Council and send copies to the joint  
 21 standing committee of the Legislature having jurisdiction over transportation matters and  
 22 to the Commissioner of Transportation.

23           **2. Budget and fiscal items affecting department.** Beginning May 1, 2023, on an  
 24 annual basis, the executive director shall present the portions of the operating budget, the  
 25 capital plans and all other fiscal items of the Maine Port Authority that affect the budgets,  
 26 capital planning or work plans of the Department of Transportation for the next fiscal year  
 27 to the Commissioner of Transportation for approval. The Maine Port Authority may make  
 28 expenditures regarding such items only in accordance with allocations approved annually  
 29 by the commissioner or in accordance with changes approved by the commissioner or the  
 30 commissioner's designee.

31           **SUMMARY**

32           This bill makes the following changes to the laws governing marine port terminal  
 33 facility development.

34           1. It limits the actions of the Maine Port Authority and the use of the proceeds of bonds  
 35 issued by the Maine Port Authority to those actions and uses pertaining to marine port  
 36 terminal facilities and railroad facilities that directly support marine port operations.

37           2. It expands the sources of funds that may be used to undertake projects that link  
 38 marine port terminal facilities to freight networks within the State.

39           3. It expands the scope of the Maine Port Terminal Facilities Marketing Program.

40           4. It requires the Maine Port Authority to hire an executive director and authorizes the  
 41 executive director to hire certain other employees.

42           5. It requires the Maine Port Authority to submit an annual report to the Legislature.

1           6. It requires the Maine Port Authority to submit certain fiscal matters to the  
2 Department of Transportation for approval.