

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-TWO

—
H.P. 1337 - L.D. 1796

An Act To Coordinate Marine Port Development

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

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

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

Sec. 2. 23 MRSA §4423, sub-§1, as amended by PL 1993, c. 649, Pt. J, §3, is further amended to read:

1. Authorization. The Maine Port Authority may provide by resolution from time to time for the issuance of bonds for the purpose of funding the establishment, acquisition or effectuation of marine port terminal facilities, ~~railroad~~ and associated multimodal infrastructure facilities and things incidental thereto, for construction of proposed facilities and improvement of existing or acquired facilities and for the fulfillment of other undertakings that it may assume. The bonds of the Maine Port Authority do not constitute a debt of the State, or of any agency or political subdivision thereof, but are payable solely from the revenue of the authority, and neither the faith nor credit nor taxing power of the State, or any political subdivision thereof, is pledged to payment of the bonds. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this subchapter are fully negotiable. In case any director whose signature appears on the bond or coupons ceases to be a director before the delivery of those bonds, that signature is valid and sufficient for all purposes as if that director had remained a director until delivery.

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

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

Sec. 4. 23 MRSA §4428, as enacted by PL 1997, c. 643, Pt. AA, §2, is amended to read:

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

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

Sec. 5. 23 MRSA §4429, as enacted by PL 2001, c. 439, Pt. LLLL, §1, is amended to read:

§4429. Marketing program

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

Sec. 6. 23 MRSA §4430, sub-§1, as enacted by PL 2007, c. 134, §5, is amended to read:

1. Employees; executive director. The board of directors of the Maine Port Authority ~~may~~ shall hire an executive director and set the compensation, fringe benefits and term and determine all other significant employment provisions regarding the executive director. The board may authorize the executive director to hire other employees as the board considers necessary or desirable to fulfill its purposes, if the board approves the compensation, fringe benefits and terms and determines all other significant provisions regarding those employees. The board may also ~~contract~~ authorize the executive director

to competitively procure contracts for the services of assistants, port operations, capital planning services, engineers, construction contractors, marketing services, finance and accounting services, attorneys, experts, inspectors and other consultants as the board considers or services necessary or desirable for to fulfill its purposes.

Sec. 7. 23 MRSA §4431 is enacted to read:

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

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

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