

## 130th MAINE LEGISLATURE

### **SECOND REGULAR SESSION-2022**

**Legislative Document** 

No. 1796

H.P. 1337

House of Representatives, December 9, 2021

### An Act To Coordinate Marine Port Development

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.

ROBERT B. HUNT Clerk

R(+ B. Hunt

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

#### 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 <u>marine</u> port terminal facility and railroad facility <u>that directly supports marine port operations</u> within the State <u>in coordination with the Department of Transportation</u> with all the rights, privileges and <u>power powers</u> necessary. Oil pipelines and other oil off-loading facilities are limited to sites in Portland and Searsport harbors.

- **Sec. 2. 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 <u>marine</u> port terminal facilities, railroad facilities <u>that directly support marine port operations</u> and things incidental <u>thereto to those facilities</u>, 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. 3. 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 Mack Point must marine port terminal facilities 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. 4. 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 developed by the Maine Port Authority or the Department of Transportation. 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 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. 5. 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, with the approval of the Commissioner of Transportation, 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. 6. 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.

31 SUMMARY

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

- 1. It limits the actions of the Maine Port Authority and the use of the proceeds of bonds issued by the Maine Port Authority to those actions and uses pertaining to marine port terminal facilities and railroad facilities that directly support marine port operations.
- 2. It expands the sources of funds that may be used to undertake projects that link marine port terminal facilities to freight networks within the State.
  - 3. It expands the scope of the Maine Port Terminal Facilities Marketing Program.
- 4. It requires the Maine Port Authority to hire an executive director and authorizes the executive director to hire certain other employees.
  - 5. It requires the Maine Port Authority to submit an annual report to the Legislature.

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