

§9405. Powers and duties of authority

To carry out the purposes of this chapter, the authority has the following powers with respect to a project together with all powers incidental to or necessary or proper for the performance of these powers and for carrying out its responsibilities in accordance with this chapter: [PL 2021, c. 364, §3 (NEW).]

1. Power to sue and be sued. To sue or initiate or appear in any proceeding. The authority may be sued on its written contracts or to the extent permitted by Title 1, section 409; Title 5, chapter 375; or Title 14, chapter 741;
[PL 2021, c. 364, §3 (NEW).]

2. Official seal. To adopt and have an official seal and alter the seal at pleasure;
[PL 2021, c. 364, §3 (NEW).]

3. Bylaws; rules. To adopt bylaws and any rule necessary or useful for carrying out any of the authority's powers or duties pursuant to this chapter. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A;
[PL 2021, c. 364, §3 (NEW).]

4. Acquire real or personal property. To acquire real or personal property or any interest in real or personal property, including rights or easements, on either a temporary or long-term basis by gift, purchase, transfer, foreclosure, lease or otherwise; to improve, hold, sell with or without public bidding, assign, lease, rent, encumber, mortgage or otherwise dispose of any real or personal property, any interest in real or personal property or mortgage interests owned or in its control, custody or possession; and to release or relinquish any right, title claim, lien, interest, easement or demand, however acquired, including upon threat of foreclosure;
[PL 2021, c. 364, §3 (NEW).]

5. Prepare and plan projects and facilities. To prepare or cause to be prepared plans, specifications, designs and estimates of costs for the construction and equipping of a project and attendant facilities and from time to time to modify or cause to be modified those plans, specifications, designs or estimates;
[PL 2021, c. 364, §3 (NEW).]

6. Improve and equip project and attendant facilities. By contract or contracts to construct, acquire, alter, repair, reconstruct, rehabilitate, improve and equip a project and necessary and usual attendant facilities;
[PL 2021, c. 364, §3 (NEW).]

7. Maintain, reconstruct and operate. To maintain, reconstruct and operate, or cause to be maintained, reconstructed and operated, a project;
[PL 2021, c. 364, §3 (NEW).]

8. Fix and collect fees. To fix and collect fees, lease-rentals and other charges for the use of any project, equipment or services;
[PL 2021, c. 364, §3 (NEW).]

9. Provide for financing or refinancing. To provide financing for a project or to provide for refinancing of existing indebtedness and for the financing of the project and of other necessary and usual attendant facilities;
[PL 2021, c. 364, §3 (NEW).]

10. Incur indebtedness. To borrow money for any of the purposes authorized in this chapter, incur debt, which includes the issuance of bonds consistent with section 9406, whether secured or unsecured and whether issued by the authority or through another entity, including, but not limited to, the Maine Municipal Bond Bank, and secure the same by mortgage, pledge, trust agreement, security

agreement or other lien on or security interest in the authority's property, rights and privileges of every kind and nature or any part of or interest in any of them;

[PL 2021, c. 364, §3 (NEW).]

11. Equity investments; loans, grants, contractual arrangements. To make alone or in participation or cooperation with others direct equity investments, loans, grants or any other contractual arrangement allowed by law with public or private entities in furtherance of the purposes of this chapter, including, but not limited to, the development and financing of a project;

[PL 2021, c. 364, §3 (NEW).]

12. Make and execute contracts. To make and execute contracts and other instruments and enter into such transactions as reasonably necessary for the exercise of the authority's powers and functions under this chapter;

[PL 2021, c. 364, §3 (NEW).]

13. Agreements; contributions; aid; grants. To enter into agreements with and to accept loans, aid, contributions, grants and the cooperation or assistance of the United States, or any agency of the United States, or of the State or any agency or governmental subdivision in furtherance of the purposes of this chapter, including, but not limited to, the development and financing of a project, and to do all things necessary in order to avail the authority of those agreements, loans, aid, contributions, grants and cooperation;

[PL 2021, c. 364, §3 (NEW).]

14. Acceptance of federal funds and other assistance. To act as the public agency of the State for the purpose of accepting federal funds or other federal assistance or funds or other assistance from any other source in furtherance of the purposes of this chapter, including, but not limited to, the development and financing of projects;

[PL 2021, c. 364, §3 (NEW).]

15. Modification of contract, lease, indenture or agreement. To consent to any modification of any contract, lease, indenture or agreement of any kind to which the authority is a party;

[PL 2021, c. 364, §3 (NEW).]

16. Manage or operate real and personal property. To manage or operate, or cause to be managed or operated, real and personal property, to take assignments of leases and rentals or to take any other action necessary or incidental to the performance of the authority's duties under this chapter;

[PL 2021, c. 364, §3 (NEW).]

17. Lease or rent facilities or equipment used to transmit voice, data or video signals. To lease or rent any facilities or equipment for a project for such amounts as the authority determines to a communications service provider to further the purposes of this chapter, as long as the obligation of the service provider is considered a binding contract with the authority and as long as no liability on account of the authority may be incurred beyond the money available for that purpose or may be considered a liability of the State;

[PL 2021, c. 364, §3 (NEW).]

18. Investments. Except as otherwise provided in this chapter, to invest any funds not needed for immediate use, including any funds held in reserve, in property or in securities in which fiduciaries in the State may legally invest funds;

[PL 2021, c. 364, §3 (NEW).]

19. Use of revenues. To use only for the purposes of this chapter any revenues derived by the authority from any assessment, transfer of funds, lease, assignment, rental agreement or other disposition or any other revenue;

[PL 2021, c. 364, §3 (NEW).]

20. Appearances. To appear on the authority's own behalf before boards, commissions, departments or agencies of a municipality, the State or the United States;
[PL 2021, c. 364, §3 (NEW).]

21. Employees. To hire and compensate employees as well as consulting engineers, architects, attorneys, accountants and construction and financial experts and such other individuals as may be necessary in the authority's judgment; and
[PL 2021, c. 364, §3 (NEW).]

22. All acts granted or implied. To do any act necessary or convenient to exercise the powers granted in this chapter or reasonably implied by this chapter.
[PL 2021, c. 364, §3 (NEW).]

SECTION HISTORY

PL 2021, c. 364, §3 (NEW).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the First Regular and First Special Session of the 131st Maine Legislature and is current through November 1, 2023. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.