

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND ELEVEN

—
H.P. 440 - L.D. 557

An Act To Qualify the Port of Eastport as Tax Exempt for Purpose of Bonding

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

Whereas, Private and Special Law 1977, chapter 14 established the Eastport Port Authority to provide vitally needed economic stimulus to the City of Eastport; and

Whereas, Private and Special Law 1979, chapter 8 increased the bonding authority of the Eastport Port Authority to \$6,000,000; and

Whereas, the federal Internal Revenue Service has determined that Eastport Port Authority as currently constituted does not qualify as a "political subdivision" under the Internal Revenue Code for purposes of issuing tax-exempt bonds; and

Whereas, the ability to exercise its current bonding authority on a tax-exempt basis will assist the Eastport Port Authority to improve and expand its facilities and contribute to job creation and economic development in Washington County; 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. P&SL 1977, c. 14, last ¶, as amended by P&SL 1993, c. 82, §1, is further amended to read:

The directors are the administrative officers of the authority and may employ assistants as they may consider necessary to carry out this Act. They shall make plans to obtain title to the wharf or wharves, or locations for the wharf or wharves, and they have the authority to acquire, construct, operate, maintain, repair and replace piers, terminals, industrial parks and transportation and warehouse facilities, roads, railways and other facilities on the land and in the waters within the limits of the City of Eastport, as will in

their judgment improve and increase the harbor, docking and warehousing facilities in the City of Eastport and enter into contracts for administration, operations, management and consulting services within and beyond the boundaries of the City of Eastport. ~~With the consent of the Eastport city council, or a vote of a majority of the Eastport city council,~~ ~~the~~ The authority may take or acquire within the limits of the City of Eastport, real property by purchase or otherwise, by gift or grant, or by the exercise of the right of eminent domain, which right is expressly delegated to the Eastport Port Authority, and hold the real property and rights and easements to the real property as the directors may from time to time consider necessary for the purpose of constructing and maintaining the Eastport Port Authority piers, docks and warehouses, highways and other port facilities, and ~~have~~ has the right to construct suitable buildings, filling stations, and restaurants or engage in other business opportunities that are not in direct competition with established businesses, and ~~have~~ has the authority to lease the same, upon the terms as the directors or a majority of the directors may determine to be in the best interests of the authority, the proceeds from leases to accrue to the credit of the Eastport Port Authority. These wharves, buildings and property are exempt from taxation by the City of Eastport, except that this exemption does not exempt any lessee or person in possession, other than the port authority, from taxes or assessments payable under the Maine Revised Statutes, Title 36, section 551. The Port Authority has the right to acquire property without the approval of the city council, except that the property so acquired may not be exempted from taxation. The authority shall render annually, at the end of the fiscal year, an annual report to the city council, showing financial reports, together with recommendations and plans for the improvement and operation of facilities. The board of directors has the power to establish bylaws and all rules and regulations governing the operation and maintenance of facilities under the control of the Eastport Port Authority; charge such fees as may, in their judgment, be necessary for parking, docking and storage privileges; contract for the construction of the wharf or wharves, or warehouse or warehouses, and borrow money for these purposes; arrange for its financing; and provide for its protection by insurance against damage by fire, water or wind and for any other casualty ~~which~~ that the directors wish to insure against, and for liability against injury to persons and property. The directors may accept federal, state and private grants and contributions for the purposes of this Act and may enter into partnerships, joint ventures or other business relationships, either directly or through an affiliate corporation owned by the authority.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

In House of Representatives, 2011

Read twice and passed to be enacted.

..... Speaker

In Senate, 2011

Read twice and passed to be enacted.

..... President

Approved 2011

..... Governor