

§4423. Bonds

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 and associated multimodal infrastructure facilities, 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. [PL 2021, c. 555, §2 (AMD).]

2. Resolution; prospective issues. The authority may by resolution authorizing prospective issues provide:

- A. The manner of executing the bonds and coupons; [PL 1981, c. 456, Pt. A, §88 (NEW).]
- B. The form and denomination thereof; [PL 1981, c. 456, Pt. A, §88 (NEW).]
- C. Maturity dates; [PL 1981, c. 456, Pt. A, §88 (NEW).]
- D. Interest rates thereon; [PL 1981, c. 456, Pt. A, §88 (NEW).]
- E. For redemption prior to maturity and the premium payable therefor; [PL 1981, c. 456, Pt. A, §88 (NEW).]
- F. The place or places for the payment of interest and principal; [PL 1981, c. 456, Pt. A, §88 (NEW).]
- G. For registration if the authority deems it to be desirable; [PL 1981, c. 456, Pt. A, §88 (NEW).]
- H. For the pledge of all or any of the revenue for securing payment; [PL 1981, c. 456, Pt. A, §88 (NEW).]
- I. For the replacement of lost, destroyed or mutilated bonds; [PL 1981, c. 456, Pt. A, §88 (NEW).]
- J. For the setting aside of reserve and sinking funds and the regulations and disposition thereof; [PL 1981, c. 456, Pt. A, §88 (NEW).]
- K. For limitation on the issuance of additional bonds; [PL 1981, c. 456, Pt. A, §88 (NEW).]
- L. For the procedure, if any, by which the contract with the bondholder may be abrogated or amended; [PL 1981, c. 456, Pt. A, §88 (NEW).]
- M. For the manner of sale and purchase thereof; [PL 1981, c. 456, Pt. A, §88 (NEW).]
- N. For covenants against pledging of any of the revenue of the Maine Port Authority; [PL 1981, c. 456, Pt. A, §88 (NEW).]
- O. For covenants fixing and establishing rates and charges for use of its facilities and services made available so as to provide at all times funds which will be sufficient to pay all costs of operation and maintenance, meet and pay the principal and interest of all bonds as they severally become due and payable; for the creating of such revenues for the principal and interest of all bonds and for the meeting of contingencies and the operation and maintenance of its facilities as the directors determine; [PL 1981, c. 456, Pt. A, §88 (NEW).]

P. For such other covenants as to rates and charges as the directors determine; [PL 1981, c. 456, Pt. A, §88 (NEW).]

Q. For covenants as to the rights, liability, powers and duties arising upon the breach by the Maine Port Authority of any covenant, condition or obligation; [PL 1981, c. 456, Pt. A, §88 (NEW).]

R. For covenants as to the bonds to be issued, as to the issuance of those bonds in escrow and otherwise and as to the use and disposition of the proceeds; [PL 1981, c. 456, Pt. A, §88 (NEW).]

S. For covenants as to the use of its facilities and their maintenance and replacement, and the insurance to be carried on them, and the use and disposition of insurance money; [PL 1981, c. 456, Pt. A, §88 (NEW).]

T. For the issuance of such bonds in series; [PL 1981, c. 456, Pt. A, §88 (NEW).]

U. For the performance of any and all acts as may be in the discretion of the directors necessary, convenient or desirable to secure the bonds, or will tend to make the bonds more marketable; and [PL 1981, c. 456, Pt. A, §88 (NEW).]

V. To issue bonds on terms and conditions so as to effectuate the purpose of this subchapter. [PL 1981, c. 456, Pt. A, §88 (NEW).]
[PL 1981, c. 456, Pt. A, §88 (NEW).]

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 and associated multimodal infrastructure facilities that directly support marine port operations and things incidental 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.

[PL 2021, c. 555, §3 (AMD).]

4. Trust indenture. In the discretion of the directors, the bonds may be secured by a trust indenture by and between the Maine Port Authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company, located either within or outside the State. Such a trust indenture may pledge or assign the revenues of the Maine Port Authority or any part of it. Any indenture may set forth the rights and remedies of the bondholders and the trustee, and may restrict the individual right of action of bondholders, and may contain such other provisions as the directors may deem reasonable and proper for the security of bondholders. Expenses incurred in carrying out any trust indenture may be treated as a part of maintenance.

[PL 1981, c. 456, Pt. A, §88 (NEW).]

5. Rights of bondholders. Provisions may be made for protecting and enforcing the rights and remedies of the bondholders, including covenants as to acquisition of property, construction, maintenance, operation and repair, insurance and the custody, security and application of all moneys.

[PL 1981, c. 456, Pt. A, §88 (NEW).]

6. Depositories. Any trust company or bank having the powers of a trust company and located either within or outside the State may act as depositories of the proceeds of the bonds and revenue and may furnish such indemnity or pledge such securities as may be required by the Maine Port Authority.

[PL 1981, c. 456, Pt. A, §88 (NEW).]

7. Tax free. The purposes of this subchapter being public and for the benefit of the people of the State, the Maine Port Authority bonds shall at all times be free from taxation by the State.

[PL 1981, c. 456, Pt. A, §88 (NEW).]

8. Revenue refunding bonds. The Maine Port Authority may issue revenue refunding bonds for the purpose of refunding the revenue bonds issued under this subchapter. The issuance of any refunding bonds shall be the same as provided for in this subchapter relating to revenue bonds.
[PL 1981, c. 456, Pt. A, §88 (NEW).]

9. Default. In the event of default on the bonds and in the event the default continues for a period of 3 months, action may be brought to enforce the rights of the bondholders by insuring that the operation by the directors be in conformity with the covenants of the bonds or indenture.
[PL 1981, c. 456, Pt. A, §88 (NEW).]

SECTION HISTORY

PL 1981, c. 456, §A88 (NEW). PL 1993, c. 649, §J3 (AMD). PL 2021, c. 555, §§2, 3 (AMD).

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