

MAINE STATE LEGISLATURE

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Date: 3-24-08

(Filing No. S- 484)

TRANSPORTATION

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STATE OF MAINE

SENATE

123RD LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 191, L.D. 599, Bill, "An Act To Create an Airport Authority"

Amend the bill by striking out the title and substituting the following:

'An Act To Facilitate the Creation of Airport Authorities'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 6 MRSA c. 10 is enacted to read:

CHAPTER 10

AIRPORT AUTHORITIES

§171. Purpose; enabling not mandatory; short title

The purpose of this chapter, which may be known and cited as "the Airport Authority Enabling Act," is to facilitate the creation of airport authorities to operate airports and provide air transportation services. This chapter provides a streamlined process for the creation of airport authorities but is not intended and may not be interpreted to preclude the operation of airports or the provision of air transportation services by any other entity or entities under any other law or authority.

§172. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Airport authority. "Airport authority" means a quasi-municipal entity formed and chartered pursuant to this chapter to operate an airport and provide air transportation services.

COMMITTEE AMENDMENT

R. 118.

COMMITTEE AMENDMENT "A" to S.P. 191, L.D. 599

1 For amendment of an existing debt limit: "Do you favor changing the debt limit of
2 the (insert name of airport authority) from (insert current debt limit) to (insert proposed
3 debt limit)?".

4 The voters shall indicate by a cross or check mark placed against the word "Yes" or
5 "No" their opinion on the question.

6 The results must be declared by the board of directors and entered upon the airport
7 authority's records. Due certificate of the results must be filed by the clerk with the
8 Secretary of State.

9 A debt limit proposal becomes effective upon its acceptance by a majority of the
10 legal voters within the charter territory voting at the referendum. Failure of approval by
11 the majority of voters voting at the referendum does not prevent subsequent referenda
12 from being held for the same purpose. The costs of referenda are borne by the airport
13 authority.

14 The board of directors may not issue any bond, note or other evidence of
15 indebtedness payable within a period of more than 12 months after the date of issuance
16 unless the total amount of the debt issued by the directors is no more than an amount
17 approved by referendum under this section.

18 **§181. Fees and assessments**

19 An airport authority, through its board of directors, may impose any user fees, rates
20 or charges for the use of its airport or air transportation services and may, by agreement
21 with the municipal officers of any municipality located in whole or in part within the
22 charter territory of the airport authority, establish payments from the municipality to
23 support the airport authority.

24 **§182. Tax exempt**

25 An airport authority is a public municipal corporation within the meaning of Title 36,
26 section 651, and the property of the authority is exempt from taxation to the extent
27 provided in that section.

28 **Sec. 2. 14 MRSA §8102, sub-§3**, as amended by PL 2005, c. 399, §1, is further
29 amended to read:

30 **3. Political subdivision.** "Political subdivision" means any city, town, plantation,
31 county, administrative entity or instrumentality created pursuant to Title 30-A, chapters
32 115 and 119, incorporated ~~fire-fighting~~ fire-fighting unit that is organized under Title 13-
33 B and is officially recognized by any authority created by statute, quasi-municipal
34 corporation and special purpose district, including, but not limited to, any water district,
35 sanitary district, hospital district, school district of any type, an airport authority
36 established pursuant to Title 6, chapter 10, any volunteer fire association as defined in
37 Title 30-A, section 3151, a transit district as defined in Title 30-A, section 3501,
38 subsection 1, a regional transportation corporation as defined in Title 30-A, section 3501,
39 subsection 2; and any emergency medical service.?

R.O.S.

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SUMMARY

This amendment replaces the bill and creates an airport authority enabling act to facilitate the creation of airport authorities. The enabling act specifies the necessary powers and authority of an airport authority, other than those that will be specific to a particular airport authority. The enabling act provides a model for the creation of an airport authority but does not require an airport to be created, operated or managed by an airport authority established pursuant to the enabling act. An airport authority created under this enabling act has the following characteristics, powers, duties and authority.

1. An airport authority is a quasi-municipal entity and as such:

- A. Is exempt from taxation as are other quasi-municipal entities pursuant to the Maine Revised Statutes, Title 36, section 651;
- B. Its debt liability is secured in the same manner as for other quasi-municipal entities pursuant to Title 30-A, section 5701;
- C. Its tort liability is governed by the Maine Tort Claims Act in the same manner as for other quasi-municipal entities;
- D. Is subject to Maine's freedom of access laws, Title 1, sections 401 to 412; and
- E. Its directors are subject to the conflict of interest provisions of Title 30-A, section 2605.

2. An airport authority is authorized to own, construct, manage, maintain, enhance, expand or otherwise operate an airport and provide air transportation services.

3. An airport authority is governed by a board of directors who are authorized to appoint officers and hire employees, including an airport manager, to operate and manage an airport and provide air transportation service.

4. An airport authority is subject to all applicable federal and state laws and rules, including Federal Aviation Administration regulations, the provisions of Title 6 and the rules of the Commissioner of Transportation. An airport authority may not exercise its powers until it has obtained all necessary written approvals from the Federal Aviation Administration and the Department of Transportation.

5. An airport authority, in a manner similar to other quasi-municipal entities, has the power to:

- A. Take property for its public purposes by eminent domain, which must be exercised in accordance with certain specified procedures;
- B. Make and assume contracts;
- C. Receive government aid, borrow money and issue bonds and notes. As a public entity, its bonds are exempt from state income tax. It may not issue debt payable more than 12 months after date of issuance until it has established a debt limit approved in a local referendum. The debt may not exceed the established debt limit, which may be increased if approved through subsequent referenda; and
- D. Set fees, rates or charges for the use of its airport and services and, by agreement with the municipal officers of any municipality located in whole or in part within the

COMMITTEE AMENDMENT

R.O.S.

COMMITTEE AMENDMENT "A" to S.P. 191, L.D. 599

1 airport authority's charter territory, establish payments from the municipality to
2 support the airport authority.

3 6. An airport authority may have other powers, authority or duties as specified in its
4 charter.

5 **FISCAL NOTE REQUIRED**
6 **(See attached)**



123rd MAINE LEGISLATURE

LD 599

LR 916(02)

An Act To Create an Airport Authority

Fiscal Note for Bill as Amended by Committee Amendment "A "

Committee: Transportation

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - Highway Fund

Fiscal Detail and Notes

This legislation facilitates the creation of airport authorities to operate airports and provide air transportation services. It defines an airport authority as a quasi-municipal entity, but does not require an airport to be created, operated or managed by an airport authority. Additional costs to the Department of Transportation associated with any potential participation in, or support of, the creation of an airport authority would be absorbed within existing budgeted resources.