

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 843

S.P. 304

In Senate, March 14, 1995

An Act to Amend the Loring Development Authority Law.

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.
Reference to the Committee on Business and Economic Development suggested and
ordered printed.

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS
Secretary of the Senate

Presented by Senator KIEFFER of Aroostook.
Cosponsored by Representative ROWE of Portland and
Senators: AMERO of Cumberland, BUTLAND of Cumberland, CIANCHETTE of Somerset,
HARRIMAN of Cumberland, LAWRENCE of York, PARADIS of Aroostook,
Representatives: AHEARNE of Madawaska, CLUKEY of Houlton, DONNELLY of Presque
Isle, GWADOSKY of Fairfield, JACQUES of Waterville, JOY of Crystal, KNEELAND of
Easton, MARTIN of Eagle Lake, O'NEAL of Limestone, ROBICHAUD of Caribou.

Be it enacted by the People of the State of Maine as follows:

2
4 **Sec. 1. 5 MRSA §13080-A, sub-§6**, as enacted by PL 1993, c.
474, §1, is amended to read:

6 **6. Loring Air Force Base.** "Loring Air Force Base" or
"base" means those properties and facilities within the
8 geographic boundaries of the United States Department of Defense
air force base at Limestone existing on the effective date of
10 this section. "Base" also includes the Madawaska dam site, the
Loring Water System, the Loring #3 communications site in
12 Limestone and other geographically separate property that the
authority determines should be deemed part of the base, if the
14 municipality in which the property is located has chosen not to
accept the property and utilize it for other purposes.

16 **Sec. 2. 5 MRSA §13080-B, sub-§6**, as enacted by PL 1993, c.
18 474, §1, is amended to read:

20 **6. Officers; employees.** The trustees shall elect a chair
and vice-chair from among their members. The authority may
22 employ an executive director, technical experts and other agents
and employees, permanent and temporary, that it requires and may
24 determine their qualifications, duties and compensation.
Permanent employees of the authority are eligible to elect to
26 participate in the Maine State Retirement System, any
state-deferred compensation plan or any other plan or program
28 adopted by the trustees to the extent the trustees may
determine. For required legal services, the authority may employ
30 or retain its own counsel and legal staff.

32 **Sec. 3. 5 MRSA §13080-F, sub-§3**, as amended by PL 1993, c.
34 729, §6, is further amended to read:

36 **3. Zoning.** ~~The authority may not adopt zoning or land use~~
~~ordinances but may coordinate zoning and land use regulation with~~
38 ~~interested primary impact communities. The authority may adopt~~
~~and enforce zoning and other land use ordinances for all Loring~~
40 ~~Air Force Base property. The ordinances preempt any municipal or~~
~~local ordinances affecting the property.~~ The authority shall
42 secure rights-of-way, easements and zoning rules needed to
adequately clear and protect the aerial approaches to the airport
44 by removing, lowering, relocating, marking, lighting or otherwise
mitigating existing airport hazards. The authority shall
endeavor, to the extent reasonable, to ensure compatible use of
46 land adjacent to or in the immediate vicinity area of the airport
as provided in the Maine Aeronautics Act, Title 6, section 122.

48 **Sec. 4. 5 MRSA §13080-F, sub-§3-A** is enacted to read:
50

2 3-A. Loring Development Authority Planning Board. The
Loring Development Authority Planning Board is established as
4 follows.

6 A. The Loring Development Authority Planning Board consists
of 6 members. One member must be a nonvoting member
8 appointed by the authority's board of trustees. The
municipal officers of Caswell and Caribou shall each appoint
10 one member and the municipal officers of Limestone shall
appoint 3 members.

12 B. The Loring Development Authority Planning Board shall:

14 (1) Develop and recommend land use and zoning
ordinances for Loring Air Force Base for approval by
16 the authority;

18 (2) Hold public hearings as necessary and appropriate
in the member communities during the development of and
20 changes to the ordinances; and

22 (3) Upon adoption by the authority of any land use and
zoning ordinances, review proposed projects at Loring
24 Air Force Base under the ordinances and submit its
decisions with respect to the projects to the authority
26 for its approval.

28 **Sec. 5. 5 MRSA §13080-G, sub-§1-A** is enacted to read:

30 1-A. Credit of State pledged. The authority may, if it so
chooses, issue bonds to finance the undertaking of any authorized
32 activity under this article with the full faith and credit of the
State and shall, in the issuance of the bonds, follow the
34 authority and procedures required by the Constitution of Maine,
Article IX, Section 14. Subsection 2 does not apply to bonds
36 issued under this subsection.

38 **Sec. 6. 5 MRSA §13080-G, sub-§2,** as amended by PL 1993, c.
729, §§7 and 8, is further amended by amending the first
40 paragraph to read:

42 **2. Authority.** The In addition to the authority provided in
subsection 1-A, the authority may issue bonds from time to time
44 in its discretion to finance the undertaking of an authorized
activity under this article, including but not limited to the
46 payment of principal and interest upon advances for surveys and
plans, and may issue refunding bonds for the payment or
48 retirement of bonds previously issued.

2 **Sec. 7. 5 MRSA §13080-G, sub-§2, ¶B**, as amended by PL 1993, c.
729, §7, is further amended to read:

4 B. Bonds issued under this section and paragraph do not
6 constitute an indebtedness within the meaning of any
7 constitutional or statutory debt limitation or restriction
8 and are not subject to other laws or charters relating to
9 the authorization, issuance or sale of bonds.
10 Notwithstanding this paragraph, the authority may issue
11 bonds in an original principal amount not to exceed
12 ~~\$20,000,000~~ \$100,000,000 to which the authority may
13 designate section 13080-N to apply. Bonds issued under this
14 article are declared to be issued for an essential public
15 and governmental purpose and, together with interest on and
16 income from the bonds, are exempt from all taxes.

17 **Sec. 8. 5 MRSA §13080-N, sub-§6**, as enacted by PL 1993, c.
18 729, §10, is amended to read:

19 **6. Securities outstanding.** The authority may not have at
20 any one time outstanding bonds, which, in the trust agreement or
21 other document, subsection 5 is stated to apply to, in principal
22 amount exceeding an amount equal to ~~\$20,000,000~~ \$100,000,000.
23 The amount of bonds issued to refund securities previously issued
24 may not be taken into account in determining the principal amount
25 of securities outstanding, provided that proceeds of the
26 refunding securities are applied as promptly as possible to the
27 refunding of the previously issued securities. In computing the
28 total amount of bonds of the authority that may at any time be
29 outstanding for any purpose, the amounts of outstanding bonds
30 that have been issued as capital appreciation bonds or as similar
31 instruments are valued as of any date of calculation at their
32 then current accreted value rather than their face value.

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STATEMENT OF FACT

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36 This bill adds the Madawaska dam site, the Loring Water
37 System and the Loring #3 communications site in Limestone to the
38 definition of "base." This bill gives permanent employees of the
39 authority the option to choose a retirement plan. This bill
40 gives the Loring Development Authority the authority to adopt
41 zoning and land use ordinances for all Loring Air Force Base
42 property. This bill establishes the Loring Development Authority
43 Planning Board. This bill also authorizes the authority to issue
44 bonds with the full faith and credit of the State and raises the
45 bond limit from \$20,000,000 to \$100,000,000.
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