

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

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**Legislative Document**

**No. 918**

H. P. 681

House of Representatives, February 17, 1971

Referred to Committee on Legal Affairs. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Maddox of Vinalhaven.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-ONE

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**AN ACT Relating to Airport Commissions for County and  
Municipal Airports.**

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

Sec. 1. R. S., T. 6, c. 12, additional. Title 6 of the Revised Statutes is amended by adding a new chapter 12, to read as follows:

CHAPTER 12

COUNTY AND MUNICIPAL AIRPORTS

§ 211. County and municipal airports

In any county or municipality in which an airport is established or proposed to be established under any provisions of law, there shall be established a board consisting of an odd number of members, not less than 3 in number, to be called the airport commission, which shall have the custody, care and management of the municipal airport of said county or municipality. The members of the airport commission shall be appointed, in counties by the county commissioners, in cities by the mayor or city manager, with the approval of the city council, and in towns by the selectmen. In the initial appointment of the members of such an airport commission, their terms shall be so arranged that  $\frac{1}{3}$  of the members, as nearly as possible, will expire each year; and thereafter when the term of any member expires his successor shall be appointed to serve for a term of 3 years and, in each instance, until the qualification of his successor. Any member may succeed himself at the pleasure of the appointing authority. Vacancies in the commission shall be filled for the unexpired term by the appointing authority. The members of said airport

commission shall annually choose one of their members as chairman. The airport commission may appoint an airport manager who shall be qualified by general management experience and aeronautical knowledge and shall be the executive officer of said commission, and may also appoint an assistant manager who shall also be qualified by general management experience and aeronautical knowledge. The assistant airport manager shall act in place of the airport manager at such times and under such conditions as the airport commission may direct. The airport manager and the assistant airport manager, when acting in place of the airport manager under the direction of the airport commission, shall be responsible to said commission for the proper maintenance and operation of such airport and of all facilities under his supervision. Subject to appropriation, said commission shall appoint such other officers and employees as its work may require and shall fix the salaries of all officers and employees appointed or employed by it.

#### § 212. Rental

An airport commission may let or lease a part or parts of said airport for a period not to exceed 20 years, and with the approval of the county commissioners in counties, mayor or city manager and city council in cities or the selectmen in towns, as the case may be, may so let or lease for a longer period.

#### § 213. Eminent domain

For the purpose of establishing or expanding an airport, the airport commission of a county or municipality, whenever appropriations have been made therefor, may take property by eminent domain under applicable laws of the State or may acquire property by purchase, lease or otherwise, both within and without its territorial limits for airport purposes and may so take or acquire such easements in airport hazards outside the boundaries of an airport or airport site as may be necessary for the removal or the prevention of the establishment of any airport hazard. For the purpose of making surveys or examinations relative to any proposed taking by eminent domain, such airport commission or its authorized agent may make a reasonable entry upon land.

#### § 214. Charges

An airport commission shall determine the charges or rentals for the use of any properties, facilities, installations, landing fees, concessions, uses and services and shall determine the terms and conditions under which contracts may be executed by the commission on behalf of such county or municipality. In all such contracts as may be executed for the foregoing privileges or licenses or any of them the public shall not be deprived of its rightful, legal and uniform use of such properties, facilities and installations.

#### § 215. Expenditures

The airport commission of any county or municipality shall be authorized to expend any funds granted to, or received from any source or appropriated by, such county or municipality for airport purposes and may make contracts for the maintenance, operation, construction, enlargement and improvement of the airport and for the purchase of materials, supplies and equipment pur-

suant to the laws of the State governing the making of like contracts, provided that where such maintenance, operation, construction, enlargement and improvement of the airport, and purchase of materials, supplies and equipment, is financed wholly or partly with federal moneys, the airport commission may act in the manner prescribed by the federal authorities, acting under the laws of the United States, and any rules or regulations made thereunder, notwithstanding any other law of the State to the contrary.

#### § 216. Rules and regulations

An airport commission shall adopt rules and regulations for the use of municipal airports or for the safety of the public upon or beyond the limits of airports under its control, whether such airport facilities are within or without the limits of the county or municipality. Such rules and regulations shall not be effective until approved by the Maine Department of Aeronautics and published in the same manner that bylaws and ordinances are required to be published. Such rules and regulations shall conform to and be consistent with the laws of the State and the rules and regulations of the Maine Department of Aeronautics and shall not be inconsistent with or contrary to any Act of the Congress of the United States relating to aeronautics or any regulations promulgated or standards established pursuant thereto.

#### § 217. Bids

Every such airport commission may invite bids for any contract involving the acquisition, establishment, construction, enlargement, protection, equipment, maintenance or operation of an airport, the site for which has been approved by the Maine Department of Aeronautics and shall submit every such proposed contract to the Maine Department of Aeronautics for approval. After approval has been given, said airport commission may award such contracts; provided that the liability incurred shall not exceed the funds available therefor, including the appropriation voted and the amount of any gift or bequest, together with the amount or amounts stated in any existing agreements for the allotment or grant of funds by the Federal Government or the State, or both.

#### § 218. Loans

If a county or municipality shall have an agreement with the Federal Government or the State whereby such government or state grants the county or municipality a sum of money to be used, with funds provided by said county or municipality for an airport, and shall be required primarily to pay that portion of the expense for which reimbursement is to be received from such grant, or grants, the treasurer of such county or municipality, with the approval of the appointing authority, in anticipation of the proceeds of such grant, or grants, may incur debt, which shall be outside of the debt limit, to an amount not exceeding the amount of the grant or grants, as shown by the grant agreement or agreements and may issue notes therefor payable in not more than 2 years from their date. Any loan issued under this section for a shorter period than one year may be refunded by the issue of other notes maturing within the required period; provided that the period from the date

of issue of the original loan to the date of maturity of the refunding loan shall not be more than 2 years. The proceeds of the grant or grants, so far as necessary, shall be applied to the discharge of the loan.

#### STATEMENT OF FACT

Aviation, and therefore airports, will play an important role in the economic climate of the State. This Act will assist in insuring that knowledgeable, interested citizens throughout the State play an important part in development of airports and relieve the county and municipal authorities of the major details of airport operation while still retaining final authority.