

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1767

H. P. 1351

House of Representatives; May 21, 1971

Reported by Mr. Emery from Committee on Legal Affairs and printed under Joint Rules No. 18.

BERTHA W. JOHNSON, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT Relating to an Airport Commission for Knox County.

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

Sec. 1. Knox County. There shall be established an airport commission in Knox County whose board shall consist 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. The members of the airport commission shall be appointed by the county commissioners of Knox County. 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.

Sec. 2. Rental. The 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 may so let or lease for a longer period.

Sec. 3. Eminent domain. For the purpose of establishing or expanding an airport, the airport commission 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.

Sec. 4. Charges. The 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 the county. 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.

Sec. 5. Expenditures. The airport commission shall be authorized to expend any funds granted to, or received from any source or appropriated by the county 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 pursuant 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.

Sec. 6. Rules and regulations. The 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. 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 con-

trary to any Act of the Congress of the United States relating to aeronautics or any regulations promulgated or standards established pursuant thereto.

Sec. 7. Bids. The 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.

Sec. 8. Loans. If the county shall have an agreement with the Federal Government or the State whereby such government or state grants the county a sum of money to be used, with funds provided by said county 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, 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.