

MAINE STATE LEGISLATURE

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HOUSING & ECONOMIC DEVELOPMENT

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1275, L.D. 1723, Bill, "An Act to Increase the Jurisdiction of the Loring Development Authority of Maine"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 5 MRSA §13080, as enacted by PL 1993, c. 474, §1, is repealed and the following enacted in its place:

§13080. Loring Development Authority of Maine established

The Loring Development Authority of Maine is established as a body corporate and politic and a public instrumentality of the State to carry out the provisions of this article and shall take title, acquire and manage the properties within the geographical boundaries of Loring Air Force Base in the name of the State.

Sec. 2. 5 MRSA §13080-A, sub-§7, as enacted by PL 1993, c. 474, §1, is amended to read:

7. **Operating revenues.** "Operating revenues" means funds available to the authority from fees, fares, rental or sale of property and miscellaneous revenue and interest ~~not otherwise pledged or dedicated~~ generated by the airport and collected in accordance with the provisions of the Surplus Property Act, 49 United States Code App. Section 2210 and Federal Aviation Administration Order 5190.6A.

COMMITTEE AMENDMENT

2 **Sec. 3. 5 MRSA §13080-B, sub-§1, ¶¶F, L and M**, as enacted by PL
1993, c. 474, §1, are amended to read:

4 F. Charge and collect fees, charges and rents for the use
6 of the properties and other services and use the proceeds of
 those fees, charges and rents for the purposes provided in
8 this article, both subject to and in accordance with any
 agreement with bondholders that may be made as provided in
10 this article. Fees, charges and rents collected from
 properties contained in the public benefit transfer or
12 otherwise generated by the airport must be used to support
 the development, maintenance and operation of aeronautical
14 facilities and in accordance with Federal Aviation
 Administration Order 5190.6A;

16 L. Provide from operating revenues for the maintenance,
18 construction or reconstruction of facilities to ensure the
 public safety for which the authority has not otherwise
20 provided and in keeping with limitations set forth in
 paragraph F;

22 M. Use operating revenues to provide payment of
24 obligations, if any, due to the United States to implement
 the readjustment or reuse of the facility. Use of operating
26 revenues for this purpose must be in accordance with the
 provisions of the Surplus Property Act, 50 United States
28 Code App. Section 1622 et seq. and Federal Aviation
 Administration Order 5190.6A;

30 **Sec. 4. 5 MRSA §13080-B, sub-§4**, as enacted by PL 1993, c.
32 474, §1, is amended to read:

34 **4. Liability.** The liability of the authority is governed
 by the Maine Tort Claims Act, Title 14, chapter 741. Trustees
36 serving on the board of the authority may not be subject to any
 personal liability for having acted in the service of their duty
38 as board members of the authority.

40 **Sec. 5. 5 MRSA §13080-C, sub-§1**, as enacted by PL 1993, c.
 474, §1, is repealed and the following enacted in its place:

42 **1. Use of revenue.** Operating revenue generated from
44 property transferred in the Federal Aviation Administration
 public benefit transfer or otherwise generated by the airport
46 must be used to support the development, maintenance and
 operation of aeronautical facilities, operating costs of the
48 airport and costs substantially related to the actual air
 transportation of passengers or property. Revenues generated
50 from other properties granted to the authority in subsequent or
 different transfers must be used as the authority determines
 appropriate within the powers established by this article.

2 **Sec. 6. 5 MRSA §13080-F, sub-§3**, as enacted by PL 1993, c.
4 474, §1, is amended to read:

6 **3. Zoning.** The authority may not adopt zoning or land-use
8 ordinances but may coordinate zoning and land-use regulation with
10 interested primary impact communities. The authority shall
12 secure rights-of-way, easements and zoning rules needed to
14 adequately clear and protect the aerial approaches to the airport
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
land adjacent to or in the immediate vicinity area of the airport
as provided in the Maine Aeronautics Act, Title 6, section 122.

16 **Sec. 7. 5 MRSA §13080-G, sub-§10** is enacted to read:

18 10. State liability for bonds issued. The State is liable
20 on the bonds if the bonding authority fails to fulfill its
obligations.

22 **Sec. 8. 5 MRSA §13080-M** is enacted to read:

24 **§13080-M. Relationship to other laws**

26 The activities of the authority must be conducted in
28 accordance with the terms and conditions of the Federal Surplus
30 Property Act, 50 United States Code, Section 1622 et seq.; the
32 federal Airport and Airway Improvement Act of 1982, 49 United
States Code App. Section 2201 et seq.; and Federal Aviation
Administration Order 5190.6A. If a conflict exists between this
article and those federal laws and rules, the federal
requirements control.

34 Further amend the bill by inserting at the end before the
36 statement of fact the following:

38 **FISCAL NOTE**

40 Requiring the State to be ultimately liable for the bonded
42 debt of the Loring Development Authority of Maine creates a moral
44 obligation of the State. In the event of a default by the
authority, future General Fund appropriations for debt service
may be required.'

R & S

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STATEMENT OF FACT

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6 This amendment adds several new provisions that bring the
8 Loring Development Authority of Maine into compliance with the
10 Federal Aviation Administration for use of Federal Aviation
12 Administration facilities under the public benefits transfer.
14 The amendment also clarifies that the authority is a body of the
State, provides for an increase in zoning authority for those
rules that protect and adequately clear the aerial approaches to
the airport and requires that the State fulfill the bonding
obligations should the authority fail. The amendment also adds a
fiscal note to the bill.