

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 651

H.P. 511

House of Representatives, February 8, 2001

An Act to Restore the Maine Court Facilities Authority.

Reference to the Committee on State and Local Government suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative McKENNEY of Cumberland.
Cosponsored by President Pro Tem BENNETT of Oxford and
Representatives: BUCK of Yarmouth, COLLINS of Wells, GOOLEY of Farmington,
STEDMAN of Hartland, WATERHOUSE of Bridgton.

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

4 **Sec. 1. 4 MRSA c. 33** is amended by repealing the chapter
4 headnote and enacting the following in its place:

6 **CHAPTER 33**

8 **MAINE COURT FACILITIES AUTHORITY**

10 **Sec. 2. 4 MRSA §1601**, as amended by PL 1997, c. 523, §2, is
12 further amended to read:

14 **§1601. Short title**

16 This chapter is known and may be cited as the "Maine
16 Governmental Court Facilities Authority Act."

18 **Sec. 3. 4 MRSA §1602**, as amended by PL 1997, c. 523, §2, is
20 further amended by repealing and replacing the headnote to read:

22 **§1602. Maine Court Facilities Authority; members; compensation**

24 **Sec. 4. 4 MRSA §1602, sub-§1**, as amended by PL 1997, c. 523,
24 §2, is further amended to read:

26 **1. Establishment; membership.** The Maine Governmental Court
28 Facilities Authority is created as a body corporate and politic
and a public instrumentality of the State. The exercise by the
30 authority of powers conferred by this chapter is considered to be
the performance of essential governmental functions. The
32 authority consists of 5 members, one of whom is the Treasurer of
State, serving as an ex officio, voting member, one of whom is
34 the Commissioner of Administrative and Financial Services,
serving as an ex officio, voting member, and 3 other members who
36 shall each serve for a term of 5 years and are appointed by the
Governor, subject to review by the joint standing committee of
38 the Legislature having jurisdiction over state and local
government and confirmation by the Legislature. Any member of
40 the authority may be removed by the Governor for cause. In the
event of vacancy occurring in the membership, the Governor shall
42 appoint a replacement member for the remainder of that term.
Each member of the authority shall serve until that member's
44 successor is appointed and qualified. Any member of the
authority is eligible for reappointment.

46 A. The initial appointed members of the authority are
appointed in a manner to stagger the terms of the members.
48 Of the initial 3 appointed members, one is appointed to a
term of 3 years; one is appointed to a term of 4 years and
50 one is appointed to a term of 5 years.

2 **Sec. 5. 4 MRSA §1603, sub-§§1 to 3**, as amended by PL 1997, c.
523, §3, are further amended to read:

4 **1. Act.** "Act" means the Maine Governmental Court
6 Facilities Authority Act.

8 **2. Authority.** "Authority" means the Maine Governmental
10 Court Facilities Authority as established by this Act.

12 **3. Bonds.** "Bonds" means any bonds or securities of the
14 Maine Governmental Court Facilities Authority issued pursuant to
this Act.

16 **Sec. 6. 4 MRSA §1603, sub-§§5 and 6**, as amended by PL 1997, c.
523, §5, are further amended to read:

18 **5. Holder of securities or holder.** "Holder of securities"
20 or "holder" or any similar term, when used with reference to
securities of the Maine Governmental Court Facilities Authority,
22 means any person who is the bearer of any outstanding securities
of the authority registered to bearer or not registered, or the
24 registered owner of any outstanding securities of the authority
that, at the time, are registered other than to bearer.

26 **6. Notes.** "Notes" means any notes of the Maine
28 Governmental Court Facilities Authority issued pursuant to this
Act.

30 **Sec. 7. 4 MRSA §1603, sub-§7**, as amended by PL 1997, c. 788,
32 §1, is further amended to read:

34 **7. Project, projects or part of any project.** "Project,
36 projects or part of any project" means the acquisition,
construction, improvement, reconstruction or equipping of, or
38 construction of an addition or additions to, any structure
designed for use as a court facility, ~~state office or state~~
~~activity space and intended to be used primarily by the State,~~
~~any agency, instrumentality or department of the State or by any~~
40 ~~branch of State Government.~~ The structure may include facilities
for the use of related court-related agencies of state, county or
42 local government such as, but not limited to, public prosecutors'
offices and probation and parole offices. "Project, projects or
44 part of any project" includes all real and personal property,
lands, improvements, driveways, roads, approaches, pedestrian
46 access roads, parking lots, parking facilities, rights-of-way,
utilities, easements and other interests in land, machinery and
48 equipment and all fixtures, appurtenances and facilities either
on, above or under the ground that are used or usable in
50 connection with the structure, and

2 also includes landscaping, site preparation, furniture,
3 machinery, equipment and other similar items necessary or
4 convenient for the operation of a particular facility or
5 structure in the manner for which its use is intended. "Project,
6 ~~projects or part of any project~~" also includes the acquisition,
7 ~~construction, improvement, reconstruction or repair of any~~
8 ~~equipment, device, technology, software or other personal~~
9 ~~property intended to be used primarily by the State, any agency,~~
10 ~~instrumentality or department of the State or by any branch of~~
11 ~~State Government or any related agency of state, county or local~~
12 ~~government. The exact scope of each project, projects or part of~~
13 ~~any project, other than those for the Judicial Branch and the~~
14 ~~Legislative Branch, must be set forth in a written designation by~~
15 ~~the Commissioner of Administrative and Financial Services to the~~
16 ~~authority and the exact scope of each project, projects or part~~
17 ~~of any project for the Judicial Branch must be set forth in a~~
18 ~~written designation by the State Court Administrator to the~~
19 ~~authority. The scope of each project for the Legislative Branch~~
20 ~~must receive a majority vote of the Legislative Council and be~~
21 ~~set forth in a written designation by the Executive Director of~~
22 ~~the Legislative Council to the authority. "Project, projects or~~
23 ~~part of any project" does not include such items as fuel,~~
24 ~~supplies or other items that are customarily considered as a~~
25 ~~current operating charge.~~

26 **Sec. 8. 4 MRSA §1604, first¶**, as amended by PL 1997, c. 523,
27 §7, is further amended to read:

28
29 In order to carry out the purposes of this Act, the Maine
30 Governmental Court Facilities Authority has the following powers
31 with respect to project, projects or part of any project together
32 with all powers incidental to those powers or necessary for the
33 performance of the following:

34
35 **Sec. 9. 4 MRSA §1604, sub-§1**, as amended by PL 1997, c. 523,
36 §8, is further amended to read:

37
38 **1. Perpetual succession.** To have perpetual succession as a
39 body politic and corporate and an instrumentality or agency of
40 the State;

41
42 **Sec. 10. 4 MRSA §1604, sub-§18**, as amended by PL 1997, c. 523,
43 §9, is further amended to read:

44
45 **18. Lease or rent any land, buildings, structures,**
46 **facilities or equipment.** To lease or rent any land, buildings,
47 structures, facilities or equipment comprising all or a portion
48 of a project, projects or part of any project for such amounts as
49 the authority determines to the State or any agency,
50 instrumentality or department of the State ~~or by any branch of~~

2 ~~State Government or any related agency of state, county or local~~
government, to further the purposes of the Act, ~~provided that~~ as
4 long as the obligation of the State or of any such agency,
instrumentality, ~~or~~ department ~~or~~ branch to make any rental or
6 other payments is considered executory only to the extent of
money made available by the Legislature, and ~~that~~ as long as no
8 liability on account of the state agency, instrumentality, ~~or~~
department ~~or~~ branch may be incurred by the State or any such
10 agency, instrumentality, ~~or~~ department ~~or~~ branch beyond the money
available for that purpose;

12 **Sec. 11. 4 MRSA §1605**, as amended by PL 1997, c. 523, §13, is
further amended to read:

14 **§1605. Leasing or renting property of the authority**

16 For the purposes of this chapter, the authority may lease,
18 rent, assign or otherwise dispose of a ~~project, projects or part~~
~~of any project~~ court facilities only to the State, ~~any agency,~~
20 ~~instrumentality or department of the State or~~ judicial branch of
State Government ~~or any related agency of state, county or local~~
22 ~~government~~ to be used for court facilities, and the revenues
derived by the authority from any lease or rental agreement must
24 be used, as necessary, to pay the principal interest and other
associated costs on or with respect to any securities issued
26 pursuant to this chapter.

28 **Sec. 12. 4 MRSA §1606, sub-§2**, as amended by PL 1999, c. 787,
§1, is further amended to read:

30 **2. Limitation on securities issued.** The authority may not
32 issue securities in excess of ~~\$93,000,000~~ \$25,000,000 outstanding
at any one time, ~~of which no less than \$40,000,000 must be~~
34 ~~specifically allocated to projects relating to the Judicial~~
~~Branch~~, except for the issuance of revenue refunding securities
authorized by section 1610 and securities issued under section
36 1610-A. The amount of securities that may be outstanding in the
name of the authority may be increased by the Legislature upon a
38 showing by the authority that its available revenues are
sufficient to support additional issuance of securities and that
40 the issuance of securities will not materially impair the credit
standing of the authority, the investment status of securities
42 issued by the authority or the ability of the authority to
fulfill its commitments to holders of securities. ~~Nothing in~~
44 ~~this~~ This chapter may not be construed to authorize the authority
to issue securities to fund the construction, reconstruction,
46 purchase or acquisition of facilities for the use of the Supreme
Judicial Court without a ~~majority~~ 2/3 vote of approval in each
48 House of the Legislature.

50

2 acquisition, construction, improvement, reconstruction or
equipping of court facilities. The bill places a limit on the
4 amount of securities that may be issued by the authority of
\$25,000,000; the amount may be changed only by a 2/3 vote of each
6 House of the Legislature; current law requires a simple
majority. This bill does not affect any securities outstanding;
8 however, the authority may not issue new securities until the
amount of outstanding securities is below \$25,000,000.