

# MAINE STATE LEGISLATURE

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L.D. 1672

DATE: March 14, 2002 (Filing No. S-468)

**BUSINESS AND ECONOMIC DEVELOPMENT**

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**STATE OF MAINE  
SENATE  
120TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 541, L.D. 1672, Bill, "An Act to Create the Washington County Development Authority"

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

'Sec. 1. 5 MRSA c. 379, sub-c. III, art. 2-A is enacted to read:

**ARTICLE 2-A**

**WASHINGTON COUNTY DEVELOPMENT AUTHORITY**

**§13083-A. Washington County Development Authority established**

The Washington County Development Authority is established as a body corporate and politic and a public instrumentality of the State to carry out the provisions of this article. The authority is authorized to take title, acquire and manage in the name of the State and by agreement with the Federal Government the property located within the geographical boundaries of any decommissioned federal military facility located within Washington County.

**§13083-B. Definitions**

As used in this article, unless the context otherwise indicates, the following terms have the following meanings.

1. Authority. "Authority" means the Washington County Development Authority.

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2. Base area. "Base area" means the area within the geographical boundaries of any decommissioned federal military facility located within Washington County to which the authority has taken title.

3. Primary impact community. "Primary impact community" means the municipalities of Cutler, Machias, East Machias, Eastport, Lubec, Whiting and Dennysville.

4. Readjustment or reuse. "Readjustment" or "reuse" means an alternative use of the base area from its use as a military installation.

5. Real or personal property. "Real or personal property" means any property or assets transferred by the Federal Government or the United States Department of Defense pursuant to the closure of a federal military installation located in Washington County.

**§13083-C. Washington County Development Authority; powers; membership; obligations**

1. Powers. The authority is a public municipal corporation and may:

- A. Sue and be sued;
- B. Adopt bylaws or regulations consistent with this article for the governance of its affairs;
- C. Exercise all of the general powers of corporations under Title 13-A, section 202;
- D. Accept from the Federal Government and dispose of by lease, sale or transfer the real or personal property located within the geographical boundaries of a decommissioned federal military facility located within Washington County;
- E. Apply for and accept grants from private and public entities to provide necessary funding for the activities of the authority and to carry out the purposes of this article;
- F. Contract with the Federal Government or its instrumentalities or agencies; this State or its agencies, instrumentalities or municipalities; public bodies; and private corporations, partnerships, associations and individuals to carry out the purposes of this article;

RdS

COMMITTEE AMENDMENT "A" to S.P. 541, L.D. 1672

- 2           G. Adopt rules pursuant to the Maine Administrative  
          Procedure Act; and
- 4           H. Take all other lawful action necessary and incidental to  
          the powers under this subsection.
- 6           **2. Membership; appointment.** The authority is governed by a  
8           board of trustees composed of 9 voting members appointed or  
          designated by the Governor.
- 10           A. The Governor shall make 8 appointments to the board of  
12           trustees, 6 of which must be from a pool of candidates who  
14           are residents of Washington County and are nominated by the  
          primary impact communities. The Governor shall appoint  
16           members who reflect the diversity of interests represented  
          by these communities.
- 18           B. The Governor shall designate a commissioner of a  
20           department of State Government to be a voting, ex officio  
          member of the board of trustees.
- 22           The 8 appointed members are subject to review by the joint  
24           standing committee of the Legislature having jurisdiction over  
          business and economic development matters and to confirmation by  
26           the Senate.
- 28           **3. Terms.** Trustees are appointed for 4-year terms, except  
          that, for initial appointments, one trustee is appointed to a  
30           one-year term, 2 trustees to 2-year terms, 2 trustees to 3-year  
          terms and 3 trustees to 4-year terms. The commissioner  
32           designated pursuant to subsection 2, paragraph B serves at the  
          pleasure of the Governor. A trustee continues to hold office  
34           until a successor is appointed and qualified, but the term of the  
          successor is not altered from the original expiration date of  
36           that term.
- 38           **4. Quorum.** Five members constitute a quorum. Five  
          affirmative votes are required for the board of trustees to take  
40           action.
- 42           **5. Liability.** The liability of the authority is governed  
          by the Maine Tort Claims Act, Title 14, chapter 741. Trustees  
44           are not subject to any personal liability for having acted in the  
          service of their duty as board members of the authority.
- 46           **6. Expenses.** A trustee is not entitled to receive  
          compensation for services to the authority but is entitled to  
48           receive reimbursement for necessary expenditures, including  
          travel expenses, incurred in carrying out those services if the  
50           authority has available funds to reimburse such expenses.

R.d.S.

2           7. Officers; temporary agents. The trustees shall elect a  
3           chair and vice-chair from among their members. The authority may  
4           contract with technical experts and other temporary agents that  
5           it requires if the authority has available funds to reimburse  
6           such experts and agents for their services. For required legal  
7           services, the authority may retain its own legal counsel.

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10        §13083-D. Property of authority

11           The authority may lease, sell or transfer property or  
12           interests in property to a local development corporation or other  
13           entity determined by the trustees to be eligible to take  
14           ownership and possession of the property or interests in property  
15           to accomplish the readjustment or reuse of the facilities.

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17        §13083-E. Termination of authority

18           The authority is not dissolved until it is terminated by the  
19           Legislature.

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21        §13083-F. Annual report

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23           1. Annual report. The authority shall submit to the  
24           Governor, the Executive Director of the Legislative Council and  
25           the joint standing committee of the Legislature having  
26           jurisdiction over business and economic development matters, not  
27           later than 120 days after the close of the authority's fiscal  
28           year, a complete report on the activities of the authority. The  
29           report may also be provided to any other member of the  
30           Legislature and to any other person. The report must include for  
31           the previous year:

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33           A. A description of the authority's operations and  
34           activities;

35           B. An accounting of the authority's receipts and  
36           expenditures and assets and liabilities at the end of its  
37           fiscal year;

38           C. A listing of all property transactions pursuant to  
39           section 13083-D;

40           D. A statement of the authority's proposed and projected  
41           activities for the ensuing year; and

42           E. Recommendations regarding further actions that may be  
43           suitable for achieving the purposes of this article.'  
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COMMITTEE AMENDMENT "**A**" to S.P. 541, L.D. 1672

2 Further amend the bill by inserting at the end before the  
summary the following:

4 **'FISCAL NOTE**

6 The additional costs associated with appointing and  
8 confirming members of a certain authority and receiving an annual  
report of the authority's activities can be absorbed by the  
10 Governor's Office in the Executive Department and the Legislature  
utilizing existing budgeted resources.'

12 **SUMMARY**

14 This amendment strikes and replaces the original bill. It  
16 creates the Washington County Development Authority for the  
purposes of accepting from the Federal Government and disposing  
18 of the real or personal property located within the geographical  
boundaries of the naval communications unit in the Town of Cutler  
20 or any other decommissioned federal military facility located in  
Washington County. The amendment establishes the authority as a  
22 public municipal corporation, creates a board of trustees and  
empowers the authority to employ technical experts and agents and  
24 to lease, sell or transfer accepted federal property or interests  
in accepted property to eligible entities. The amendment  
26 authorizes the authority to apply for and accept grants to  
support the activities of the authority. The amendment also  
28 requires the authority to submit an annual report. The amendment  
adds a fiscal note to the bill.