

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

SECOND REGULAR SESSION-2002

Legislative Document

No. 1859

H.P. 1415

House of Representatives, December 17, 2001

An Act to Establish the Avon-Phillips Airport Authority.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 12, 2001. Referred to the Committee on Transportation pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative LaVERDIERE of Wilton.

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

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Sec. 1. Avon-Phillips Airport Authority established. The Avon-Phillips Airport Authority is established as a body corporate and politic and a public instrumentality of the State to carry out the provisions of this Act and shall take title to, acquire and manage the properties within the geographical boundaries of the Avon-Phillips Airport and other properties as may be authorized by law in the name of the State. As used in this Act, "authority" means the Avon-Phillips Airport Authority.

- 1. **Powers.** The authority may:
 - A. Sue and be sued;
 - B. Adopt bylaws consistent with this Act for the governance of its affairs;
 - C. Exercise all of the general powers of corporations under the Maine Revised Statutes, Title 13-A, section 202;
 - D. Acquire real and personal property for use by the authority;
 - E. Exercise the power of eminent domain;
 - F. Lease, rent or otherwise dispose of real or personal property;
 - G. Provide for the public safety by imposing appropriate regulations, regulating appropriate use of the airport facilities and enforcing laws and regulations as they apply to the use of the airport's facilities;
 - H. Charge and collect fees, charges and rents for the use of the properties and other services and use the proceeds of those fees, charges and rents for the purposes provided in this Act;
 - I. Provide from operating revenues for the maintenance, construction or reconstruction of facilities for which the authority has not otherwise provided to ensure the public safety;
 - J. Take all other lawful action necessary and incidental to these powers; and
 - K. Adopt rules pursuant to the Maine Administrative Procedure Act. Any such rules are routine technical rules

2 as defined in the Maine Revised Statutes, Title 5, chapter
375, subchapter II-A.

4 **2. Board of trustees.** The authority is governed by a board
of trustees composed of 7 voting members appointed by the county
6 commissioners of Franklin County.

8 A. Trustees are appointed for 4-year terms, except that,
for initial appointments, 2 trustees are appointed to
10 one-year terms, 2 trustees are appointed to 2-year terms, 2
trustees are appointed to 3-year terms and one trustee is
12 appointed to a 4-year term. Two trustees must reside in the
Town of Avon and 2 trustees must reside in the Town of
14 Phillips.

16 B. A trustee continues to hold office until a successor is
appointed and qualified, but the term of the successor is
18 not altered from the original expiration date of the
holdover trustee's term. A person may not serve more than 3
20 consecutive 4-year terms as a trustee.

22 C. A quorum, which is a majority of members, is required
for the board of trustees to take action.

24 D. The trustees shall elect a chair and vice-chair from
among the members of the board of trustees. The authority
26 may employ an executive director, technical experts and
other agents and employees, permanent and temporary, that it
28 requires and may determine their qualifications, duties and
30 compensation.

32 E. A trustee is not entitled to receive compensation for
services to the authority but is entitled to receive
34 reimbursement for necessary expenditures, including travel
expenses, incurred in carrying out those services.

36 **3. Liability.** The liability of the authority is governed
by the Maine Tort Claims Act. A member of the board of trustees
38 of the authority or an employee of the authority may not be
subject to any personal liability for having acted within the
40 course and scope of membership or employment to carry out a power
or duty under this Act. The authority shall indemnify a member
42 of the authority or an employee of the authority against expenses
actually and necessarily incurred in connection with the defense
44 of an action or proceeding in which the member or employee is
made a party by reason of past or present association with the
46 authority.

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SUMMARY

4 This bill establishes the Avon-Phillips Airport Authority,
governed by a board of 7 trustees, of which 2 trustees must be
6 residents of the Town of Avon and 2 trustees must be residents of
the Town of Phillips. The authority may adopt bylaws for the
8 governance of its affairs, acquire real and personal property,
lease, rent or otherwise dispose of real or personal property and
10 exercise the power of eminent domain.