

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 250

H.P. 205

House of Representatives, January 23, 2003

### An Act to Establish the Avon-Phillips Airport Authority

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Reference to the Committee on Transportation suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative SAVIELLO of Wilton.  
Cosponsored by Senator WOODCOCK of Franklin and  
Representatives: COWGER of Hallowell, JENNINGS of Leeds, McKEE of Wayne, PINEAU  
of Jay, USHER of Westbrook.

**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-C, section 302;
  - 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 2-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  
38 by the Maine Tort Claims Act. A member of the board of trustees  
of the authority or an employee of the authority may not be  
40 subject to any personal liability for having acted within the  
course and scope of membership or employment to carry out a power  
42 or duty under this Act. The authority shall indemnify a member  
of the authority or an employee of the authority against expenses  
44 actually and necessarily incurred in connection with the defense  
of an action or proceeding in which the member or employee is  
46 made a party by reason of past or present association with the  
authority.

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## SUMMARY

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