

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

SECOND REGULAR SESSION-2010

Legislative Document

No. 1664

S.P. 629

In Senate, December 21, 2009

An Act To Enhance the Redevelopment of the Brunswick Naval Air Station

(EMERGENCY)

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

Reference to the Committee on Business, Research and Economic Development suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator GERZOFKY of Cumberland.
Cosponsored by Representative PRIEST of Brunswick and
Senators: GOODALL of Sagadahoc, SIMPSON of Androscoggin, Representatives: BERRY of Bowdoinham, KENT of Woolwich, MORRISON of South Portland, STUCKEY of Portland, WATSON of Bath, WEBSTER of Freeport.

1 **Emergency preamble.** Whereas, acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** the imminent closure of the Brunswick Naval Air Station will result in the
4 reduction of state, regional and local tax base; and

5 **Whereas,** the closure is estimated to negatively affect the State by \$140,000,000;
6 and

7 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
8 the meaning of the Constitution of Maine and require the following legislation as
9 immediately necessary for the preservation of the public peace, health and safety; now,
10 therefore,

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

12 **Sec. 1. 5 MRSA §13083-G** as enacted by PL 2005, c. 599, §1, is amended to
13 read:

14 **§13083-G. Midcoast Regional Redevelopment Authority established; goals**

15 The Midcoast Regional Redevelopment Authority is established as a body corporate
16 and politic and a public instrumentality of the State to carry out the purposes of this
17 article. The authority is entrusted with acquiring and managing the properties within the
18 geographic boundaries of Brunswick Naval Air Station.

19 The authority is established to facilitate the rapid development of the properties
20 within the geographic boundaries of Brunswick Naval Air Station. In order to achieve
21 this objective, the authority shall make every effort to:

22 **1. Short-term goal.** Recover civilian job losses in the primary impact community
23 resulting from the base closure;

24 **2. Intermediate goal.** Recover economic losses and total job losses in the primary
25 impact community resulting from the base closure; and

26 **3. Long-term goal.** Facilitate the maximum redevelopment of base properties.

27 **Sec. 2. 5 MRSA §13083-I, sub-§4,** as enacted by PL 2005, c. 599, §1, is
28 amended to read:

29 **4. Liability.** The liability of the authority is governed by the Maine Tort Claims Act.
30 A member of the board of trustees or an employee of the authority is not subject to any
31 personal liability for having acted in the service of the member's or employee's duty as a
32 member of the board or an employee of the authority within the course and scope of
33 membership or employment to carry out a power or duty under this article. The authority
34 shall indemnify a member of the board or an employee of the authority against expenses
35 actually and necessarily incurred in connection with the defense of an action or

1 proceeding in which a member of the board or an employee is made a party by reason of
2 past or present association with the authority.

3 **Sec. 3. 5 MRSA §13083-L, sub-§5** is enacted to read:

4 **5. Airport; Brunswick Naval Air Station Fund established.** The authority has all
5 the powers of a municipality to operate as an airport authority under Title 30-A, chapter
6 213 for use in connection with a public airport, heliport or other location for the landing
7 or taking off of aircraft. To support this operation, there is established a nonlapsing fund
8 to be known as the Brunswick Naval Air Station Airport Fund, referred to in this section
9 as "the fund," for the purpose of receiving funds from the State and gifts, grants, devises,
10 bequests, trusts or security documents. The State shall credit to the fund any
11 appropriation made to the authority in each fiscal year.

12 **A. The fund must be used to:**

13 (1) Purchase, lease, acquire, own, improve, use, sell, convey, transfer or
14 otherwise deal in and with airport property, an airport project or any interest in
15 the airport property or airport project, whether tangible or intangible, as
16 otherwise authorized under this article;

17 (2) Pay the costs of operating, maintaining, improving and repairing all airport
18 property and airport projects of the authority;

19 (3) Pay the costs of administering and operating the authority, including, but not
20 limited to, all wages, salaries, benefits and other expenses authorized by the
21 board of trustees or the executive director;

22 (4) Pay the principal and premium, if any, and the interest on the outstanding
23 bonds of the authority related to airport property or airport projects as the same
24 become due and payable;

25 (5) Create and maintain reserves required or provided for in any resolution
26 authorizing or any security document securing such bonds of the authority related
27 to airport property or airport projects;

28 (6) Create and maintain a capital improvement fund for airport property and
29 airport projects to be established by the board;

30 (7) Pay all taxes owed by the authority related to airport property or airport
31 projects; and

32 (8) Pay all expenses incident to the management and operation of the authority
33 operating as an airport authority as are consistent with its statutory purpose and
34 as the board may from time to time determine.

35 **B. The fund constitutes a continuing appropriation for the benefit of the authority.**
36 Any amount remaining in the fund at the close of any fiscal year is carried over and
37 credited to the fund for the succeeding year.

38 **C. Money in the fund must be paid to the authority on manifests approved by the**
39 **Governor and Legislature in the same manner as other state claims are paid.**

1 D. The revenues received and due to the authority from all other sources, except by
2 way of state appropriation, from whatever source derived, must be retained by the
3 authority and must be used in such a manner as the board of trustees may determine
4 consistent with the provisions of this section or as is otherwise provided by law or by
5 the terms and conditions incident to any gift, grant, devise, bequest, trust or security
6 document.

7 **Sec. 4. 5 MRSA §13083-N, sub-§4,** as enacted by PL 2005, c. 599, §1, is
8 amended to read:

9 **4. Price sold.** The bonds may be:

10 ~~A. Sold at not less than par at public sales held after notice has been published in a~~
11 ~~newspaper of general circulation in the area of operation and in any other medium of~~
12 ~~publication that the authority designates;~~

13 B. Exchanged for other bonds on the basis of par; or

14 C. Sold to the Federal Government at private sale at not less than par. If less than all
15 of the authorized principal amount of the bonds is sold to the Federal Government,
16 the balance may be sold at private sale at not less than par at an interest cost to the
17 municipality that does not exceed the interest cost to the municipality of the portion
18 of the bonds sold to the Federal Government; or

19 D. Sold to a person on such terms as the authority may negotiate.

20 **Sec. 5. 5 MRSA §13083-P, sub-§2, ¶B,** as enacted by PL 2005, c. 599, §1, is
21 amended to read:

22 B. Apply to or limit the right of an obligee to foreclose or otherwise enforce a
23 mortgage of the authority or to pursue remedies for the enforcement of a pledge or
24 lien given by the authority on its rents, fees, grants or revenues or other sources
25 pledged by the authority to the payment of its bonds.

26 **Sec. 6. 5 MRSA §13083-S, sub-§1, ¶G,** as enacted by PL 2005, c. 599, §1, is
27 amended to read:

28 G. A statement of the authority's proposed and projected activities for the ensuing
29 year; and

30 **Sec. 7. 5 MRSA §13083-S, sub-§1, ¶H,** as enacted by PL 2005, c. 599, §1, is
31 amended to read:

32 H. Recommendations regarding further actions that may be suitable for achieving
33 the purposes of this article; and

34 **Sec. 8. 5 MRSA §13083-S, sub-§1, ¶I** is enacted to read:

35 I. A description of the authority's progress toward achieving the goals set forth in
36 section 13083-G.

37 **Sec. 9. Establishment of campus.** The Maine Community College System shall
38 establish the Advanced Technology and Engineering Center as a campus of Southern

1 Maine Community College at Brunswick Naval Air Station. The Maine Community
2 College System shall establish the Advanced Technology and Engineering Center to:

3 1. Collaborate with other higher education entities and enter into partnerships with
4 businesses and industry on workforce development, innovation, product development and
5 marketing;

6 2. Support an incubator center in manufacturing, composites and advanced energy
7 systems; and

8 3. Offer seamless transfer programs among associate degree programs, bachelor's
9 degree programs and master's degree programs.

10 **Emergency clause.** In view of the emergency cited in the preamble, this
11 legislation takes effect when approved.

12 SUMMARY

13 This bill creates a fund to support Brunswick Naval Air Station redevelopment.
14 Funds will be appropriated by the State, and the Midcoast Regional Redevelopment
15 Authority is authorized to receive funds from gifts, grants, devises, bequests, trusts or
16 security documents. This bill sets forth goals to be pursued by the Midcoast Regional
17 Redevelopment Authority and directs the authority to include a report on its progress
18 toward those goals in its annual report to the Governor and the Legislature. The Midcoast
19 Regional Redevelopment Authority is given power to act as an airport authority. This bill
20 also directs the Maine Community College System to establish the Advanced Technology
21 and Engineering Center as a campus of Southern Maine Community College at
22 Brunswick Naval Air Station.