

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1578

H.P. 1140

House of Representatives, April 16, 2019

**An Act To Improve Administration of the Maine Aeronautical
Advisory Board and the Public Transit Advisory Council**

(EMERGENCY)

Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in black ink that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative SHEATS of Auburn.
Cosponsored by Senator FARRIN of Somerset and
Representatives: McLEAN of Gorham, WHITE of Waterville, Senator: DIAMOND of
Cumberland.

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,** this legislation needs to take effect before the expiration of the 90-day
4 period in order to allow the Commissioner of Transportation to adjust the memberships of
5 the Maine Aeronautical Advisory Board and the Public Transit Advisory Council at the
6 beginning of the next fiscal year on July 1, 2019; 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. 6 MRSA §302,** as amended by PL 2009, c. 485, §1, is further amended to
13 read:

14 **§302. Maine Aeronautical Advisory Board**

15 **1. Board established.**

16 A. The Maine Aeronautical Advisory Board, established by Title 5, section 12004-
17 I, subsection 81, and in this section called "the board," ~~shall be~~ is a board within the
18 Department of Transportation.

19 **2. Membership.**

20 A. The membership of the board consists of at least 7 voting members: ~~one person~~
21 ~~from an airport association in the State appointed by the association's board of~~
22 ~~directors; one person from a pilot's association in the State appointed by the~~
23 ~~association's board of directors; and the remaining members appointed by the~~
24 Commissioner of Transportation. All members shall serve a term of office of 2 years
25 consistent with the state fiscal year. Vacancies in membership must be filled in the
26 same manner as the original appointment. The commissioner serves as secretary of
27 the board. Terms must be staggered so that approximately half of the board is
28 renewed each year. The commissioner shall endeavor to appoint a balance of public
29 and private sector members holding diverse knowledge and perspectives of the
30 aeronautics industry. Vacancies may be filled to serve out the remainder of a term if
31 a member resigns or is terminated for cause or a vacancy is created in any other
32 manner.

33 B. The commissioner or the commissioner's designee shall serve as a nonvoting
34 secretary and clerk of the board and be responsible for board records and filings. All
35 other members are voting members.

36 C. The board shall annually elect a chair and vice-chair from among its membership
37 to serve a one-year term. If a vacancy occurs in the office of chair or vice-chair, the
38 board shall endeavor to fill that office for the remainder of the term.

39 D. Members are not entitled to compensation.

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3. Meetings.

~~A. The board shall annually elect a chair from among its members, and the chair serves a term of one year.~~ The board shall meet at the call of the chair, or at the call of at least 3 members of the board, and there must be at least one meeting held a year at which time officers are elected for the ensuing year.

~~B. Members shall be compensated as provided in Title 5.~~

4. Duties.

A. The board shall advise the department on matters relating to aeronautics ~~and recommendations for change to the aeronautical laws and comments upon the present and future needs of that service.~~

4-A. Powers. The board is authorized to adopt bylaws and other appropriate policies to effectively govern its proceedings.

5. Staff support.

A. The department shall supply reasonable staff support requested by the board.

6. Transition.

A. Of the initial members appointed to the board, 3 shall serve for a term of one year and 2 shall serve for a term of 2 years. After expiration of the initial term of any member of the board, any appointment to the membership ~~shall be~~ is for a term of 2 years.

Sec. 2. 23 MRSA §4209-A, as enacted by PL 2015, c. 182, §8, is amended to read:

§4209-A. Public Transit Advisory Council

1. Council established. The Public Transit Advisory Council, referred to in this section as "the council," is established in accordance with Title 5, section 12004-I, subsection 82-A to advise the Legislature and the department regarding public transit services in the State. The council shall advise the department on the review and approval of locally coordinated plans for regional transit under section 4209 and shall advise on any statewide strategic transit planning undertaken by the department, including short-term and long-term fiscal, operating and capital investments, and the integration of transit planning with the Sensible Transportation Policy Act.

2. Membership. The council must include, but is not limited to, the following:

- A. The commissioner or the commissioner's designee; and
- B. The following individuals appointed by the commissioner:
 - (1) One representative each from the federally designated planning organizations for the Bangor, Kittery, Lewiston and Auburn and Portland regions;
 - (2) One representative of private bus operators;

- 1 (3) One representative of a statewide nonprofit organization advocating on
- 2 behalf of the elderly;
- 3 (4) One representative of a medical provider;
- 4 (5) One representative of a business that relies on public transportation;
- 5 (6) One representative of a statewide association of planning and development
- 6 agencies;
- 7 (7) One representative of an organization representing persons with disabilities;
- 8 (8) One representative of a nonprofit transit provider;
- 9 (9) One representative of an economic development organization; and
- 10 (10) One representative of an organization representing low-income persons.

11 In making appointments, the commissioner shall ensure that rural and urban areas are
12 represented.

13 **3. Council invitees.** In addition to the requirements in subsection 2, the
14 commissioner shall invite at least 2 members of the joint standing committee of the
15 Legislature having jurisdiction over transportation matters representing different political
16 parties and at least one representative of the Northern New England Passenger Rail
17 Authority, established in Title 5, section 12004-F, subsection 16, to participate in council
18 meetings. These invitees may be designated as voting council members at the
19 commissioner's discretion.

20 **4. Terms, vacancies and council chair.** A member of the council appointed
21 pursuant to subsection 2, paragraph ~~E~~ B serves for a term of 3 years. Terms must be
22 staggered so that approximately one-third of the council is renewed each calendar year.
23 If a member is unable to complete the term, the commissioner shall appoint a member
24 from the same category of members listed in subsection 2, paragraph ~~E~~ B as the member
25 who vacated the council to serve out the unexpired portion of the term. The
26 commissioner shall determine how the council is to choose a chair and for how long the
27 chair is to serve.

28 **4-A. Meetings and deliberations.** The council shall meet no less than once per year
29 at the call of the chair. The council may adopt bylaws and other policies to effectively
30 govern its proceedings.

31 **5. Report.** The council shall report on its deliberations and any recommendations by
32 March 1st of each odd-numbered year to the Governor and the joint standing committees
33 of the Legislature having jurisdiction over transportation matters and health and human
34 services matters. The report must include ~~the following~~:

- 35 A. An assessment of the level of public transportation services provided to the
36 public;
- 37 B. Recommendations for the level of service that should be provided and an estimate
38 of the cost of providing those services; and

1 C. ~~Recommendations for the optimal coordination of transit services with other~~
2 ~~senior and veteran services.~~

3 D. A progress report on recommendations contained in the most recent statewide
4 strategic transit plan for the department as well as the quinquennial locally
5 coordinated plan for regional transit under section 4209, subsection 2.

6 **Sec. 3. Commissioner of Transportation authorized to adjust terms of**
7 **Maine Aeronautical Advisory Board.** Notwithstanding the Maine Revised Statutes,
8 Title 6, section 302, subsections 2 and 6, the Commissioner of Transportation is
9 authorized to adjust the terms of members of the Maine Aeronautical Advisory Board on
10 July 1, 2019 to comply with the staggered terms requirement in Title 6, section 302,
11 subsection 2, paragraph A.

12 **Sec. 4. Commissioner of Transportation to adjust terms of Public Transit**
13 **Advisory Council.** Notwithstanding the Maine Revised Statutes, Title 23, section
14 4209-A, subsection 4, the Commissioner of Transportation shall adjust the terms of
15 members of the Public Transit Advisory Council on July 1, 2019 appointed pursuant to
16 Title 23, section 4209-A, subsection 2, paragraph B to comply with the staggered terms
17 requirement in Title 23, section 4209-A, subsection 4.

18 **Emergency clause.** In view of the emergency cited in the preamble, this
19 legislation takes effect July 1, 2019.

20 **SUMMARY**

21 This bill changes the membership of the Maine Aeronautical Advisory Board and
22 provides for staggered terms. It provides that the Commissioner of Transportation serves
23 as a nonvoting secretary and clerk of the board and authorizes the board to adopt bylaws.

24 The bill authorizes the Commissioner of Transportation to designate as voting
25 members of the Public Transit Advisory Council those persons the commissioner is
26 required to invite to participate in council meetings. It provides for staggered terms,
27 requires the council to meet at least once per year and authorizes the council to adopt
28 bylaws. It also changes the reporting requirements for the council.