

MAINE STATE LEGISLATURE

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L.D. 1998

Date: 3/6/24

(Filing No. S561)

MINORITY

INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS

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STATE OF MAINE

SENATE

131ST LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 823, L.D. 1998, "An Act to Transfer the Arch Hangar at the Former Loring Air Force Base to the Loring Air Museum "

Amend the bill by striking out the title and substituting the following:

'An Act Regarding the Ownership and Preservation of the Arch Hangar at the Former Loring Air Force Base'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 5 MRSA §13080-A, sub-§6-A is enacted to read:

6-A. Loring Arch Hangar. "Loring Arch Hangar" means the aircraft maintenance hangar within Loring Air Force Base identified as building number 8250.

Sec. 2. 5 MRSA §13080-D, sub-§1, as enacted by PL 1993, c. 474, §1, is amended to read:

1. Lease or sale. Properties Subject to the requirements of subsection 1-A as applicable, properties may be leased or sold to accomplish the readjustment or reuse of the facilities as determined appropriate by the authority. Resources acquired as a result of the lease or sale of these properties become operating revenues or assets of the authority.

Sec. 3. 5 MRSA §13080-D, sub-§1-A is enacted to read:

1-A. Actions of authority concerning Loring Arch Hangar. Notwithstanding any provision of this article to the contrary, the authority may not lease, sell, transfer the ownership of or engage in the demolition or substantial reconstruction of the Loring Arch Hangar without the approval of the Legislature. For the purposes of this subsection, "approval of the Legislature" means the enactment into law by the Legislature of legislation authorizing the authority to lease, sell, transfer the ownership of or engage in the demolition or substantial reconstruction of the Loring Arch Hangar.

COMMITTEE AMENDMENT

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Sec. 4. Loring Development Authority of Maine; transfer of Loring Arch Hangar. Notwithstanding any provision of law to the contrary and except as otherwise provided pursuant to subsection 2, on or after June 1, 2025, the Loring Development Authority of Maine established pursuant to the Maine Revised Statutes, Title 5, section 13080 shall, in accordance with the requirements of this section, transfer the ownership of the Loring Arch Hangar as defined in Title 5, section 13080-A, subsection 6-A to a nonprofit organization established for the purpose of preserving the history of the former Loring Air Force Base and maintaining associated artifacts.

1. The transfer of ownership of the Loring Arch Hangar by the Loring Development Authority of Maine to the nonprofit organization pursuant to this section must contain covenants or other provisions requiring the hangar to be held and maintained by the grantee organization solely for the restoration and historic preservation of the hangar and require that all rights, title and interest in the property revert to the authority if the grantee organization fails to hold and maintain the hangar for those purposes or if the grantee organization is dissolved.

2. The Loring Development Authority of Maine may not transfer the ownership of the Loring Arch Hangar pursuant to this section if, prior to June 1, 2025, the United States Department of Transportation, Federal Aviation Administration approves the inclusion of the airfield at the former Loring Air Force Base into the National Plan of Integrated Airport Systems.

The enactment of this Act directing the Loring Development Authority of Maine to transfer the ownership of the Loring Arch Hangar constitutes the approval of the Legislature as required by Title 5, section 13080-D, subsection 1-A.

Sec. 5. Loring Development Authority of Maine; reports. The Loring Development Authority of Maine established in the Maine Revised Statutes, Title 5, section 13080 shall by October 1, 2024 submit a report to the Joint Standing Committee on Innovation, Development, Economic Advancement and Business regarding the status of its application with the United States Department of Transportation, Federal Aviation Administration to obtain inclusion of the airfield at the former Loring Air Force Base into the National Plan of Integrated Airport Systems and shall by March 1, 2025 submit an updated report regarding the status of that application to the joint standing committee of the Legislature having jurisdiction over economic and community development matters.

The report due March 1, 2025 must include an assessment regarding whether the Loring Development Authority of Maine expects to obtain approval of its application by June 1, 2025 and, if such approval is not expected by that date, an update regarding the transfer of ownership required by section 4 of the Loring Arch Hangar as defined in Title 5, section 13080-A, subsection 6-A. After reviewing the report due March 1, 2025, the joint standing committee of the Legislature having jurisdiction over economic and community development matters may report out legislation relating to the report to the 132nd Legislature in 2025.

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

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2 This amendment, which is the minority report of the committee, replaces the bill, which
3 is a concept draft, and changes the title. The amendment does the following.

4 1. It amends the laws regarding the Loring Development Authority of Maine
5 established in the Maine Revised Statutes, Title 5, section 13080 to require the approval of
6 the Legislature for the authority to lease, sell, transfer the ownership of or engage in the
7 demolition or substantial reconstruction of the Loring Arch Hangar.

8 2. It defines the Loring Arch Hangar as the aircraft maintenance hangar within the
9 former Loring Air Force Base identified as building number 8250.

10 3. It directs the Loring Development Authority of Maine, on or after June 1, 2025, to
11 transfer the ownership of the Loring Arch Hangar to a nonprofit organization established
12 for the purpose of preserving the history of the former Loring Air Force Base and
13 maintaining associated artifacts. The transfer of ownership of the hangar by the authority
14 to the nonprofit organization is required to contain covenants or other provisions requiring
15 the hangar to be held and maintained by the grantee organization solely for the restoration
16 and historic preservation of the hangar and requiring that all rights, title and interest in the
17 property revert to the authority if the grantee organization fails to hold and maintain the
18 hangar for those purposes or if the grantee organization is dissolved. The authority is not
19 authorized, however, to transfer the ownership of the hangar if, prior to June 1, 2025, the
20 United States Department of Transportation, Federal Aviation Administration approves the
21 inclusion of the airfield at the former Loring Air Force Base into the National Plan of
22 Integrated Airport Systems.

23 4. It directs the Loring Development Authority of Maine to submit a report by October
24 1, 2024 to the Joint Standing Committee on Innovation, Development, Economic
25 Advancement and Business regarding the status of its application with the United States
26 Department of Transportation, Federal Aviation Administration to obtain inclusion of the
27 airfield at the former Loring Air Force Base into the National Plan of Integrated Airport
28 Systems and to submit an updated report regarding the status of that application by March
29 1, 2025. The report due March 1, 2025 must include an assessment regarding whether the
30 authority expects to obtain approval of its application by June 1, 2025 and, if such approval
31 is not expected by that date, an update regarding the transfer of ownership of the Loring
32 Arch Hangar as required by this legislation. After reviewing the report due March 1, 2025,
33 the joint standing committee may report out legislation relating to the report to the 132nd
34 Legislature in 2025.

35 **FISCAL NOTE REQUIRED**

36 (See attached)



131st MAINE LEGISLATURE

LD 1998

LR 199(02)

An Act to Transfer the Arch Hangar at the Former Loring Air Force Base to the Loring Air Museum

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-561)
Committee: Innovation, Development, Economic Advancement and Business
Fiscal Note Required: Yes

Fiscal Note

Potential negation of contract - Loring Development Authority
Potential revenue loss - Loring Development Authority

Fiscal Detail and Notes

This legislation prohibits the Loring Development Authority (LDA) of Maine from leasing, selling, demolishing, reconstructing or transferring the ownership of the Loring Arch Hangar without approval of the Legislature obtained through the legislative process. It also requires the authority to transfer the ownership of the hangar to a nonprofit organization established for the purpose of preserving the history of the former Loring Air Force Base on or after June 1, 2025 if the Federal Aviation Administration does not approve the inclusion of the airfield at the former base into the National Plan of Integrated Airport Systems (NPIAS) prior to June 1, 2025. This may result in a potential loss of revenue to the authority that could have been received from leasing or selling the hangar.

According to testimony provided by the Loring Development Authority of Maine as well as Green 4 Maine, LLC (G4M) during the committee hearing process, a Purchase and Sales agreement is currently in place between LDA and G4M that provides G4M options to acquire certain parcels of property at the former base, including the airport and hangar. The sale is subject to certain milestones being realized. An additional provision in the contract is that the sale of the airport and hangar to G4M will only proceed if the LDA is not successful in obtaining the NPIAS status for the airport within a certain timeframe. Whether this legislation will result in legal consequences and ramifications as well as possible expenses to the LDA and the State can not be determined.