



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 778

H.P. 585

House of Representatives, March 1, 2011

An Act To Amend the Process of Federal Aviation Administration Airport Improvement Program Grants

Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative WILLETTE of Presque Isle.
Cosponsored by Senator FARNHAM of Penobscot and
Representatives: CLARK of Easton, DAMON of Bangor, FLEMINGS of Bar Harbor, GOODE
of Bangor, HASKELL of Portland, MAZUREK of Rockland, WILLETTE of Mapleton.

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

2 **Sec. 1. 6 MRSA §3, sub-§25-C** is enacted to read:

3 **25-C. Primary airport.** "Primary airport" means an airport that has at least 10,000
4 passenger boardings per year.

5 **Sec. 2. 6 MRSA §18, sub-§1,** as enacted by PL 1977, c. 678, §31, is amended to
6 read:

7 **1. State aid.** The commissioner may, from amounts appropriated, approve grants to
8 cities, towns or counties separately, or to cities and towns jointly with one another or with
9 counties for an appropriate share of the total cost of any airport development project.

10 For projects receiving both federal and state aid under the administration's airport
11 improvement program, state aid funds must be administered in accordance with the
12 requirements of the federal Airport and Airway Improvement Act of 1982, 49 United
13 States Code, Chapter 471, as amended, except that the department may adopt by rule
14 additional requirements to those federal requirements. A rule adopted by the department
15 under this subsection is a major substantive rule as defined in Title 5, chapter 375,
16 subchapter 2-A.

17 **Sec. 3. 6 MRSA §18, sub-§2,** as enacted by PL 1977, c. 678, §31, is amended to
18 read:

19 **2. State approval.** No municipality or other political subdivision in this State,
20 whether acting alone or jointly with another municipality, a political subdivision or with
21 the State, ~~shall~~ may submit to the administration any request for federal aid under the
22 ~~Federal~~ federal Airport and Airway ~~Development~~ Improvement Act of ~~1970~~ 1982, ~~so~~
23 ~~called, or any amendment thereof~~ as amended, unless the project and the project
24 application have been first approved by the commissioner. A municipality or other
25 political subdivision operating a primary airport in this State may discuss federal aid with
26 the administration for purposes of planning and developing a project application. This
27 subsection ~~may~~ must be waived by the commissioner if no state funds are involved and
28 the project falls within the latest airport master plan for that airport.

29 **SUMMARY**

30 This bill requires that, for projects receiving both federal and state aid under the
31 Federal Aviation Administration's airport improvement program, state aid funds must be
32 administered in accordance with federal requirements for federal aid. This bill authorizes
33 the Department of Transportation, through the major substantive rule process, to adopt
34 additional requirements in addition to the federal requirements.

35 Current law provides that the Commissioner of Transportation must approve any
36 project and project application for a request for federal aid under the federal Airport and
37 Airway Development Act of 1970's airport improvement program before it is submitted
38 to the Federal Aviation Administration by a municipality or other political subdivision of
39 this State. This bill clarifies that a municipality or other political subdivision operating an

1 airport that has at least 10,000 passenger boardings per year in this State may discuss
2 federal aid with the Federal Aviation Administration for purposes of planning and
3 developing a project application.