

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

**This document is from the files of the Office of
the Maine Attorney General as transferred to
the Maine State Law and Legislative Reference
Library on January 19, 2022**

710

March 31, 1958

Lloyd K. Allen, Manager	Industrial Building Authority
George A. Wathen, Assistant	Attorney General

Meaning of the term "industrial project"

You have requested an opinion of this office concerning the meaning of the term "industrial project" and asked following questions:

- "1. Is a poultry processing plant an industrial project within the term of the Industrial Building Authority Act?"
- "2. Is a poultry hatchery an industrial project within the meaning of the Act?"

The Act authorizes the Industrial Building Authority to insure the payment of mortgage loans secured by industrial projects--Section 3.

Section 4 of Chapter 421, Public Laws of 1957, defines the term as follows:

" 'industrial project' shall mean any building or other real estate improvement and, if a part thereof, the land upon which they may be located, and all real properties deemed necessary to their use by any industry for the manufacturing, processing or assembling of raw materials or manufactured products."

In order to be eligible for insurance under the Act there must be a building or real estate used by the industry for manufacturing, processing or assembling of raw material or manufactured products. In each instance of an application for insurance under the Act, it will be necessary to factually determine whether or not the applicant will make use of his property for the purposes above stated.

Process as defined in "Websters New International Dictionary" is "To subject (esp. raw material) to a process of manufacture, development, preparation for market, etc.; to convert into marketable form, as livestock by slaughtering. . ."

Poultry growers have been held to be engaged in agricultural pursuits--D. C. v. Oyster, 15 D. C. 285, 54 Am. Rep. 275. Agriculture as a general rule is not considered as manufacture.

Memo to Lloyd K. Allen, Manager

-2-

March 31, 1958

It, therefore, appears to me that it will be necessary to apply the test of Section 4 to the facts presented by each applicant to determine whether or not the applicant is eligible for insurance under the Act.

George A. Nathan
Assistant Attorney General

gan/m