

# MAINE STATE LEGISLATURE

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April 1, 1964

Roderic C. O'Connor, Manager

Maine Industrial Bldg. Authority

George C. West, Deputy

Attorney General

Eligibility under MIBA Act.

**FACTS:**

A plant to be constructed for lease to a firm engaged in the egg business. It is understood that said firm has contracts with numerous "farmers" which provide that the latter, for a fee, will house, feed, care for and gather eggs laid by hens, supplied to them and owned by the firm. The firm's trucks will collect and transport the eggs to the plant. There, on a production line of sorts, the eggs are cleaned, candled, sorted, sized, graded and packaged and crated for delivery to wholesale or retail customers.

**QUESTION:**

Does the use of a building wherein eggs are cleaned, candled, sorted, sized, graded, packaged and crated for delivery to wholesale or retail customers qualify as an "industrial project"?

**ANSWER:**

See Reasons for answer.

**REASONS:**

We cannot give you a definite "Yes" or "No" answer. The final decision and determination must be made by the authority under section 9-A. The finding of fact by the authority is incontestable. See opinions of this office dated March 31, 1958; April 20, 1961; and April 27, 1961.

The authority is justified in making a finding of fact under section 9-A that the building will be used for the "assembling of raw materials."

GCW:H

George C. West  
Deputy Attorney General