

MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 1538

S. P. 563

In Senate, March 16, 1967

Taken from table on motion by Senator Hildredth of Cumberland and on further motion by Senator Hildredth, referred to Committee on Industrial and Recreational Development.

JERROLD B. SPEERS, Secretary

Presented by Senator Harding of Aroostook.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

AN ACT to Reorganize the Department of Economic Development and to Revise the Maine Industrial Building Authority and Maine Recreation Authority Laws.

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

Sec. 1. R. S., T. 10, § 402, amended. Section 402 of Title 10 of the Revised Statutes is amended to read as follows:

§ 402. Powers and duties

The commissioner may employ ~~division bureau~~ directors, ~~deputies~~ assistants, industrial development specialists and such other employees as may be necessary, subject to the Personnel Law; **appoint deputies who shall serve at his pleasure;** employ or engage with the approval of the Governor and Council such outside technical or professional consultants as may be necessary or appropriate to assist the department in carrying out its functions; and may enter into contracts with other boards, **bureaus**, commissions, departments, and **divisions** of the State or with the University of Maine to assist him or any division of the department in carrying out this chapter.

The commissioner shall hold staff meetings with the ~~division bureau~~ directors ~~monthly or more~~ as often as deemed necessary for ascertaining progress and discussion of new and current programs. The ~~division bureau~~ directors shall hold similar staff meetings with the personnel of their respective ~~divisions~~ **bureaus**.

~~The commissioner shall organize a Division of Research and Planning, a Division of Industrial Promotion, a Division of Vacation Travel Promotion,~~

~~a Division of Publicity and Public Relations and a Division of Geological Survey.~~

The commissioner shall organize a Bureau of Research, Planning and Technical Assistance; a Bureau of Industry and Project Development; a Bureau of Public Information and Promotion; a Bureau of Natural Resources; and a Bureau of Economic Assistance.

The commissioner is authorized and empowered to accept for the State any federal funds apportioned under federal law relating to urban planning and planned public works or technical assistance and to do such acts as are necessary for the purpose of carrying out such federal law; and to accept from any other agency of government, individual, group or corporation such funds as may be available in carrying out this chapter.

The commissioner shall submit an annual report on or before January 15th of the department's activities and expenditures to the Governor, members of the Legislature and the general public.

Sec. 2. R. S., T. 10, § 404, amended. The first sentence of section 404 of Title 10 of the Revised Statutes is amended to read as follows:

A Department of Economic Development Advisory Council, as heretofore established, shall consist of ~~7 members appointed by the Governor for a term of 3 years, provided that of the members first appointed, one shall be appointed for a term of one year, 3 for a term of 2 years and 3 for a term of 3 years~~ one legislative leader from each House representing both major parties and an undetermined number of knowledgeable persons representing all phases of economic activity of this State, to be appointed by the Governor, to serve a term of 3 years and until his successor is appointed and qualified.

Sec. 3. R. S., T. 10, § 405, amended. Section 405 of Title 10 of the Revised Statutes is amended to read as follows:

§ 405. Duties and privileges

The advisory council shall serve without compensation but may be reimbursed for their expenses incurred in the performance of their duties from funds appropriated to the department.

The advisory council shall meet ~~at least once each month~~ at the call of the chairman or at the request of 3 members of the advisory council. Suitable accommodations shall be provided for such meetings by the department.

The advisory council shall review departmental activities, make such recommendations and render advice relative to the operation of the department, as they deem advisable, to the commissioner and the Governor. The commissioner shall be present at meetings of the advisory council if requested. A record of the recommendations and advice of the advisory council shall be maintained by the department. Within 30 days after the filing of a recommendation by the advisory council, the commissioner shall file with the Governor and advisory council his response to the recommendations.

Members of the advisory council shall perform such other duties as shall be mutually agreed upon by the commissioner and the council member, such as solicitation of new industrial prospects.

Sec. 4. R. S., T. 10, c. 101, sub-c. II, renamed. The title of subchapter II of chapter 101 of Title 10 of the Revised Statutes is repealed and the following enacted in place thereof:

SUBCHAPTER II

RESEARCH, PLANNING AND TECHNICAL ASSISTANCE

Sec. 5. R. S., T. 10, § 451, amended. The first sentence of section 451 of Title 10 of the Revised Statutes is amended to read as follows:

The ~~Division~~ **Bureau** of Research, ~~and~~ **Planning and Technical Assistance** shall be empowered to **provide planning, research data, and other appropriate technical assistance to regional, local and private economic development organizations and to:**

Sec. 6. R. S., T. 10, § 451, sub-§ 6, amended. The first sentence of subsection 6 of section 451 of Title 10 of the Revised Statutes is amended to read as follows:

Prepare or assist in preparing and from time to time revise and perfect **or assist in the revision or perfection of** a master plan for the physical development of the State.

Sec. 7. R. S., T. 10, § 451, sub-§ 7, repealed. Subsection 7 of section 451 of Title 10 of the Revised Statutes is repealed.

Sec. 8. R. S., T. 10, § 451, sub-§ 8, amended. Subsection 8 of section 451 of Title 10 of the Revised Statutes is amended by adding a new sentence to read as follows:

The bureau shall, if designated by the Governor, administer the Federal Technical Services Act.

Sec. 9. R. S., T. 10, § 501, amended. Section 501 of Title 10 of the Revised Statutes is amended to read as follows:

§ 501. Powers and duties

The ~~Division of Industrial Promotion~~ **Bureau of Industry and Project Development** shall be empowered to:

1. Promote and attract new industry. Implement a program designed to promote and attract new industry and coordinate these activities with the efforts of public, private and other agencies.

2. Solicitation for industrial prospects. Devise, initiate and prosecute an aggressive system of solicitation of and assistance for industrial prospects without the State, and prospects for industrial expansion within the State, utilizing field representatives and technicians ~~in cooperation to cooperate~~ with citizens' groups, service organizations, chambers of commerce, and regional and municipal agencies and officials. **The bureau should place special emphasis on aiding,**

supporting and coordinating State and local agencies and groups and developing a team approach to individual development projects by utilizing the services and expertise of various other bureaus of the department and other agencies.

3. **Office or offices for information.** Maintain an office or offices without the State for the receipt and dissemination of information concerning the attraction of new industries to the State. **When appropriate this may be done through or with other agencies or bureaus.**

4. **Assistance to local communities.** Promote the industrial development efforts of local communities by assisting in the formation of industrial foundations in cooperation with local agencies.

5. **Negotiation and assistance for existing industry.** Negotiate directly with existing industries seeking expansion within the State and providing them with technical assistance, with special emphasis in aiding the retention of an existing industry which might relocate outside of Maine.

6. **Markets for existing business.** Help existing business to find markets, domestic or foreign, for their products.

7. **Publicity and promotion.** ~~Utilize~~ **Working with the Bureau of Public Information and promotion,** utilize such publicity and promotion as needed to attract new industries to Maine.

8. **Brochures, pamphlets, and materials.** ~~Prepare~~ **Working with the Bureau of Public Information and Promotion,** prepare and print such brochures, pamphlets and all like materials as are deemed necessary to assist in the attraction of out-of-state industrial prospects.

Sec. 10. R. S., T. 10, c. 101, sub-c. IV, repealed and replaced. Subchapter IV of chapter 101 of Title 10 of the Revised Statutes is repealed and the following enacted in place thereof :

SUBCHAPTER IV

PUBLIC INFORMATION AND PROMOTION

§ 551. Powers and duties

The Bureau of Public Information and Promotion shall be established to promote recreational facilities of the State and disseminate information setting forth the commercial, agricultural, industrial, fisheries, recreational, labor market and other facilities and advantages of the State. This bureau shall be empowered to:

1. **Publicity.** Advertise and publicly set forth and display the recreational resources, attractions and activities of the State.

2. **Cooperating.** Encourage and assist in the development and promotion of the recreational resources and facilities of the State by cooperating with other state agencies and public and private organizations.

3. **Printing.** Prepare and print or have printed such brochures, pamphlets and all like materials as are deemed necessary to their activities and the activities of the other bureaus of the department.

4. State of Maine building. Operate and maintain the State of Maine building, previously erected upon the grounds of the Eastern States Agricultural and Industrial Exposition, Inc., at West Springfield, Massachusetts, for the purpose of exhibiting, publicizing and advertising Maine's products and resources in agriculture, industry, fisheries, forests, wildlife and recreation. The bureau shall have complete control and supervision of all exhibits held in such building.

Sec. 11. R. S., T. 10, c. 101, sub-c. V, repealed. Subchapter V of chapter 101 of Title 10 of the Revised Statutes is repealed.

Sec. 12. R. S., T. 10, c. 101, sub-c. VI, repealed and replaced. Subchapter VI of chapter 101 of Title 10 of the Revised Statutes, as repealed and replaced by chapter 204 of the public laws of 1965, is repealed and the following enacted in place thereof:

SUBCHAPTER V NATURAL RESOURCES

§ 651. Powers and duties

1. Purposes. The Bureau of Natural Resources shall gather and compile geologic information of both the bedrock and surficial features of the State; to present this information in printed maps and reports for the general public and the mining industry; to assist existing mining operations in the State; and promote the development of the mineral potential of the State.

2. Professional geologists; publication. The bureau may employ professional geologists to perform geologic mapping on specific projects in Maine, to provide basic geologic information and the location and environment of mineral deposits. The results obtained from these projects shall be compiled and published as soon as it is possible within the budgetary limitations of the department.

3. Advisory assistance. The bureau shall provide advisory assistance to any mining company interested in exploring the mineral resources of the State. Members of the bureau staff shall visit the executive offices of mining companies at intervals sufficient to maintain the interest of company executives in mineral development in the State of Maine.

4. Interdepartmental cooperation. The bureau shall cooperate with other bureaus of the department and other state agencies in promoting the economy of the State.

5. Revolving fund. There is established within the bureau a revolving fund for the use of the bureau to cover printing and distribution costs for geological and related technical literature.

6. Printing and sale of publications. The commissioner is authorized to fix the price at which publications of the Maine Geological Survey may be sold and delivered. The department shall receive without charge 10% of all such publications for complimentary distribution.

7. United States Government publications. The commissioner is authorized to fix the price at which United States Geological Survey and other United

States Government maps, charts and other publications may be sold and delivered, provided such publications are specifically authorized for resale by the originating agency and are specifically concerned with technical information on the State of Maine.

8. Income from sale of publications. Income from the sale of publications shall be credited to the revolving fund to be used as a continuing carrying account to carry out the purpose of the publication fund.

9. Research projects. The bureau staff shall initiate and develop research projects in the field of economic geology and basic geology which are necessary to advance the total geologic knowledge of the State.

10. Maine State Geologist. The Director of the Bureau of Natural Resources shall also act as Maine State Geologist performing whatever duties as shall be required by law and tradition.

Sec. 13. R. S., T. 10, c. 101, sub-c. VI, additional. Chapter 101 of Title 10 of the Revised Statutes is amended by adding a new subchapter VI, to read as follows:

SUBCHAPTER VI ECONOMIC ASSISTANCE

§ 671. Powers and duties

The Bureau of Economic Assistance shall serve as the manager and staff of the Maine Industrial Building Authority and the Maine Recreation Authority.

The bureau shall be headed by a Director, named by the commissioner with the advice and consent of the combined membership of the 2 authorities, a loan specialist and such additional staff as necessary and appropriate to the work of the bureau. The director can be removed by the commissioner and the authorities.

The bureau shall be responsible for the duties listed for "the manager" in sections 751 and 5051.

Sec. 14. R. S., T. 10, § 703, sub-§ 3, ¶ C, additional. Subsection 3 of section 703 of Title 10 of the Revised Statutes, as amended by section 2 of chapter 471 of the public laws of 1965, is further amended by adding a new paragraph C, to read as follows:

C. Any agricultural equipment or machinery requiring substantial capital investment and any fishing equipment and machinery, including watercraft, requiring substantial capital investment.

Sec. 15. R. S., T. 10, § 751, amended. Section 751 of Title 10 of the Revised Statutes, as amended by section 4 of chapter 471 of the public laws of 1965, is further amended to read as follows:

§ 751. Organization of authority

The Maine Industrial Building Authority, as heretofore created and established a body corporate and politic, and hereinafter in this chapter called the

“authority”, is constituted a public instrumentality of the State, and the exercise by the authority of the powers conferred by this chapter shall be deemed and held to be the performance of essential governmental functions. The authority shall consist of 9 members, including the Commissioner of Economic Development, and 8 members at large appointed by the Governor with the advice and consent of the Council for a period of 4 years ~~provided that, of the members first appointed, 2 shall be appointed for a term of one year, 2 for a term of 2 years, 2 for a term of 3 years and 2 for a term of 4 years.~~ A vacancy in the office of an appointive member, other than by expiration, shall be filled in like manner as an original appointment, but only for the remainder of the term of the retiring member. Appointive members may be removed by the Governor with the advice and consent of the Council for cause. The authority shall elect one of its members as chairman, one as vice-chairman, one as treasurer, and ~~shall employ a manager, who shall be secretary~~ **the Director of the Bureau of Economic Assistance of the Department of Economic Development shall serve as secretary and “manager.”** The secretary and treasurer shall be bonded as the authority shall direct. Five members of the authority shall constitute a quorum. The affirmative vote of 5 members, present and voting, shall be necessary for any action taken by the authority. No vacancy in the membership of the authority shall impair the right of the quorum to exercise all rights and perform all the duties of the authority.

All the members of the authority shall be reimbursed for their actual expenses necessarily incurred in the performance of their duties.

~~The manager shall be appointed by the authority and his tenure of office shall be at the pleasure of the authority. He shall receive such compensation as shall be fixed by the authority with the approval of the Governor and Council.~~

The manager shall be the chief administrative officer for the authority and as such shall direct and supervise the administrative affairs and technical activities of the authority, in accordance with rules, regulations and policies as set forth by the authority. It shall be the duty of the manager, among other things, to:

1. **Attend meetings and keep minutes.** Attend all meetings of the authority, and to act as its secretary and keep minutes of all its proceedings;
2. **Approve accounts and expenses.** Approve all accounts for salaries, per diems, allowable expenses of the authority or of any employee or consultant thereof, and expenses incidental to the operation of the authority;
3. **Appoint employees.** Appoint, under the Personnel Law, such employees as the authority may require, and such assistants, agents or consultants as may be necessary for carrying out the purposes of this chapter;
4. **Reports.** Make to the authority an annual report documenting the actions of the authority, and such other reports as the authority may request;
5. **Liaison with Department of Economic Development.** Maintain a close liaison with the ~~other bureaus of the~~ Department of Economic Development and

provide assistance to the various ~~divisions~~ **bureaus** of that department to facilitate the planning and financing of industrial projects;

6. Recommendations. Make recommendations and reports in cooperation with the Department of Economic Development to the authority on the merits of any proposed industrial projects, on the status of local industrial development corporations, and on meritorious industrial locations;

7. Other duties. Perform such other duties as may be directed by the authority in the carrying out of the purposes of this chapter.

No member of the authority shall participate in any decision involving insurance of payments on a loan to a local development corporation if said member has any interest, **direct or indirect**, in or connection with said local development corporation or any firm, partnership, corporation or association which intends to rent, lease or otherwise use the property securing said loan, **or has any interest, direct or indirect, in or connection with any firm, partnership, corporation or association which would be in direct competition with the recreational project under consideration.**

Sec. 16. R. S., T. 10, § 752, sub-§ 3, amended. Subsection 3 of section 752 of Title 10 of the Revised Statutes is amended to read as follows:

3. Office. To maintain an office ~~at such place or places within the State as it may designate~~ **within the Department of Economic Development.**

Sec. 17. R. S., T. 10, § 752, sub-§ 5, amended. Subsection 5 of section 752 of Title 10 of the Revised Statutes is amended to read as follows:

5. Employees. ~~To~~ **In addition to the employees of the Bureau of Economic Assistance of the Department of Economic Development,** to employ such assistants, agents, consultants and other employees as may be necessary or desirable for its purposes and to fix their compensation; and to utilize the services of other governmental agencies; such employment shall be consistent with the Personnel Law.

Sec. 18. R. S., T. 10, § 754, amended. Section 754 of Title 10 of the Revised Statutes is amended to read as follows:

§ 754. Expenses

The authority may in its discretion expend out of the fund such moneys as may be necessary for any expenses **of the Bureau of Economic Assistance of the Department of Economic Development,** of the authority, including administrative, legal, actuarial and other services. All such expenses incurred by the authority shall be paid by the authority and when pertaining thereto shall be charged to the fund or to the appropriate industrial project or projects. Upon the issuance of mortgage insurance for any such project or projects, any expenses by the authority charged thereto shall be reimbursed to the authority by the mortgagee from the proceeds of the mortgage. All proceeds received by the authority from the disposal by sale or in some other manner of property it may have acquired in accordance with section 806 shall be credited to the fund.

Sec. 19. R. S., T. 10, § 5051, amended. Section 5051 of Title 10 of the Revised Statutes, as enacted by section 1 of chapter 495 of the public laws of 1965, is amended to read as follows :

§ 5051. Organization of authority

The Maine Recreation Authority, hereinafter in this chapter called the "authority", hereby created and established a body corporate and politic, is constituted a public instrumentality of the State, and the exercise by the authority of the powers conferred by this chapter shall be deemed and held to be the performance of essential governmental functions. The authority shall consist of 9 members, including the Commissioner of Economic Development, the Chairman of the Governor's Advisory Council on Outdoor Recreation and 7 members at large appointed by the Governor with the advice and consent of the Council for a period of 4 years ~~provided that, of the members first appointed, 2 shall be appointed for a term of one year, 2 for a term of 2 years, 2 for a term of 3 years and one for a term of 4 years.~~ A vacancy in the office of an appointive member, other than by expiration, shall be filled in like manner as an original appointment, but only for the remainder of the term of the retiring member. Appointive members may be removed by the Governor with the advice and consent of the Council for cause. The authority shall elect one of its members as chairman, one as vice-chairman, one as treasurer, and ~~shall employ a manager who shall be secretary~~ **the Director of the Bureau of Economic Assistance of the Department of Economic Development shall serve as secretary and "manager"**. The secretary and treasurer shall be bonded as the authority shall direct. Five members of the authority shall constitute a quorum. The affirmative vote of 5 members, present and voting, shall be necessary for any action taken by the authority. No vacancy in the membership of the authority shall impair the right of the quorum to exercise all rights and perform all the duties of the authority.

All the members of the authority shall be reimbursed for their actual expenses necessarily incurred in the performance of their duties.

~~The manager shall be appointed by the authority and his tenure of office shall be at the pleasure of the authority. He shall receive such compensation as shall be fixed by the authority with the approval of the Governor and Council.~~

The manager shall be the chief administrative officer for the authority and as such shall direct and supervise the administrative affairs and technical activities of the authority, in accordance with rules, regulations and policies as set forth by the authority.

It shall be the duty of the manager, among other things, to :

1. **Meetings.** Attend all meetings of the authority, and to act as its secretary and keep minutes of all its proceedings.

2. **Accounts.** Approve all accounts for salaries, per diems, allowable expenses of the authority or of any employee or consultant thereof, and expenses incidental to the operation of the authority.

3. **Employees.** Appoint, under the Personnel Law, such employees as the authority may require, and such assistants, agents or consultants as may be necessary for carrying out the purposes of this chapter.

4. **Annual report.** Make to the authority an annual report documenting the actions of the authority, and such other reports as the authority may request.

5. **Assistance.** Maintain a close liaison with the **other bureaus of the** Department of Economic Development and provide assistance to the various ~~divisions~~ **bureaus** of that department to facilitate the planning and financing of recreational projects.

6. **Recommendations.** Make recommendations and reports in cooperation with the Department of Economic Development to the authority on the merits of any proposed recreational project, on the status of local development corporations and on meritorious recreational locations.

7. **Other duties.** Perform such other duties as may be directed by the authority in the carrying out of the purposes of this chapter.

No member of the authority shall participate in any decision involving insurance of payments on a loan to a local development corporation if said member has an interest, **direct or indirect**, in or connection with said local development corporation or any firm, partnership, corporation or association which intends to rent, lease or otherwise use the property securing said loan, **or has any interest, direct or indirect, in or connection with any firm, partnership, corporation or association which would be in direct competition with the recreational project under consideration.**

Sec. 20. R. S., T. 10, § 5052, sub-§ 3, amended. Subsection 3 of section 5052 of Title 10 of the Revised Statutes, as enacted by section 1 of chapter 495 of the public laws of 1965, is amended to read as follows:

3. **Office.** To maintain an office ~~at such place or places within the State as it may designate~~ **within the Department of Economic Development.**

Sec. 21. R. S., T. 10, § 5052, sub-§ 5, amended. Subsection 5 of section 5052 of Title 10 of the Revised Statutes, as enacted by section 1 of chapter 495 of the public laws of 1965, is amended to read as follows:

5. **Employees.** ~~To~~ **In addition to the employees of the Bureau of Economic Assistance of the Department of Economic Development,** to employ such assistants, agents, consultants and other employees as may be necessary or desirable for its purposes and to fix their compensation; and to utilize the services of other governmental agencies; such employment shall be consistent with the Personnel Law.

Sec. 22. R. S., T. 10, § 5054, amended. Section 5054 of Title 10 of the Revised Statutes, as enacted by section 1 of chapter 495 of the public laws of 1965, is amended to read as follows:

§ 5054. Expenses

The authority may in its discretion expend out of the fund such moneys as may be necessary for any expenses **of the Bureau of Economic Assistance of**

the Department of Economic Development and of the authority, including administrative, legal, actuarial and other services. All such expenses incurred by the authority shall be paid by the authority and when pertaining thereto shall be charged to the fund or to the appropriate recreational project or projects. Upon the issuance of mortgage insurance for any such project or projects, any expenses by the authority charged thereto shall be reimbursed to the authority by the mortgagee from the proceeds of the mortgage. All proceeds received by the authority from the disposal by sale or in some other manner of property it may have acquired in accordance with section 6006 shall be credited to the fund.