

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)

FIRST SPECIAL SESSION

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 2299

S. P. 804

In Senate, January 3, 1974

Referred to the Committee on State Government. Sent down for concurrence and ordered sent forthwith.

HARRY N. STARBRANCH, Secretary

Presented by Senator Minkowsky of Androscoggin.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FOUR

AN ACT Relating to the Maine Development Act.

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

Sec. 1. R. S., T. 10, Part 12, additional. Title 10 of the Revised Statutes is amended by adding a new Part 12 to read as follows:

PART 12

MAINE DEVELOPMENT

CHAPTER 1201

MAINE DEVELOPMENT ACT

§ 10001. Short title

This chapter may be cited as the "Maine Development Act."

§ 10002. Policy and purposes of Act

It is hereby declared to be the policy of this State to promote the economic and social well-being of its inhabitants and to actively promote, attract, encourage and develop economically sound commerce and industry through governmental action for the purpose of preventing unemployment and economic deterioration by the creation of development commissions which are hereby declared to be governmental commissions and instrumentalities and to grant to such development commissions the rights and powers provided in this Act.

It is hereby further declared to be the policy of this State to protect and promote the health of the inhabitants of this State by the conservation, pro-

tection and improvement of the natural resources and environment to encourage development according to sound land use planning, and to control land, sewer, water, air, noise or general environmental pollution which may be derived from the operation of industrial, manufacturing, warehousing, fishing, aquaculture, food processing, commercial and research facilities and to grant such development commissions the rights and powers provided by this Act with respect to pollution control facilities.

The exercise of all such rights and powers is for a public purpose essential to the public interest, and for which public funds may be expended.

§ 10003. Definitions

As used in this Act, unless the context otherwise requires, the following words shall have the following meanings.

1. Bonds. "Bonds" shall mean the bonds issued by a development commission pursuant to this Act.

2. Cost of project. "Cost of project" shall mean the cost of fair market value of lands, buildings, real estate improvements, fishing vessels, new machinery and equipment, including the installation thereof, used machinery and equipment, property rights, easements, franchises, financing charges, interest, engineering and legal services, plans, specifications, surveys, cost estimates, studies and other expenses as may be necessary or incident to the development, construction, financing and placing in operation of an eligible project.

3. Development Approvals Board. "Development Approvals Board" shall mean the board created pursuant to this Act.

4. Development commission. "Development commission" shall mean a development commission pursuant to this Act.

5. Governing body. "Governing body" shall mean the board or body in which the general legislative powers of the municipality are vested.

6. Local development corporation. "Local development corporation" shall mean any organization, incorporated under Title 13, chapter 81, for the purposes of fostering, encouraging and assisting the physical location, settlement or resettlement of industrial, manufacturing, fishing, agricultural and other business enterprises within the State and to whose members no profit shall inure.

7. Municipal economic plan. "Municipal economic plan" shall mean a plan that considers among other factors labor availability, skills and wage rates; transportation facilities and needs; demands on government services; and those other factors that will tend to avoid waste of the human, financial and physical resources of the State and to promote the policy and purposes of this Act through guidance of and assistance to private activities and public programs of the municipality and State.

8. Municipality. "Municipality" shall mean any county, city or town in the State and any regional planning commission or council of government

which, in the case of the latter 2, have been authorized by the Legislature to be a municipality for purposes of this Act.

9. Mortgage. "Mortgage" shall mean a mortgage or other security device.

10. Notes. "Notes" shall mean the notes, interim certificates and other obligations issued by a development commission pursuant to this Act.

11. Pollution control facility. "Pollution control facility" shall mean any equipment, improvement, structure or facility or any land and any building, structure, facility or other improvement thereon, or any combination thereof, and all real and personal property deemed necessary therewith, which are not of a character or nature then or formerly furnished or supplied by local government, having to do with or the end purpose of which is the control, abatement or prevention of land, water, air, noise or general environmental pollution deriving from the operation of manufacturing, recreation, warehousing, research, data processing, fishing, food processing, aquaculture and commercial or industrial facilities, including, but not limited to, any air pollution control facility, noise abatement facility, water management facility, waste water collecting system, waste water treatment works, sewage treatment system or solid waste disposal facility or site.

12. Project. "Project" shall mean any land or interest therein, including lands under water, any building, industrial park, pier or other improvement, and all real and personal properties, fishing vessels or materials and equipment used in manufacturing, recreation, warehousing, research, data processing, aquaculture, commercial or industrial fishing, food processing or business activities, including, but not limited to, machinery and equipment deemed necessary in connection therewith, whether or not now in existence or under construction, which shall be suitable for manufacturing, recreation, warehousing, research, data processing, fishing, food processing, aquaculture, commercial or industrial purposes and which may include or mean a pollution control facility.

13. Revenues. "Revenues" shall mean all rents, revenues, fees, charges and other sources of income derived from the leasing, sale or other exploitation or disposition of a project or projects.

14. Securities. "Securities" shall mean the bonds and notes issued pursuant to this Act.

§ 10004. Creation of board and membership

1. Board. There is established a public body politic, to be known as the "Development Approvals Board." The board is constituted as an instrumentality of the State, exercising public and essential governmental functions and the exercise by the board of the powers conferred by this Act shall be deemed and held to be an essential governmental function of the State.

2. Membership. The board shall consist of 9 members, including the Commissioner of Finance and Administration, the Commissioner of Commerce and Industry and the Director of the State Planning Office and 6 mem-

bers at large appointed by the Governor with the advice and consent of the Council for a period of 3 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 and 2 for a term of 3 years and in each case until their respective successors shall be appointed and qualified.

3. Vacancy; removal; officers; quorum. 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 board shall elect one of its members as chairman, one as vice-chairman and shall employ an executive director, who shall serve as secretary to the board. Five members of the board shall constitute a quorum. The affirmative vote of 5 members, present and voting, shall be necessary for any action taken by the board. No vacancy in the membership of the board shall impair the right of the quorum to exercise all rights and perform all the duties of the board.

4. Expenses. Members shall receive no compensation for the performance of their duties under this Act, but each member shall be reimbursed for his reasonable expenses incurred in carrying out such duties under this Act. Notwithstanding any other law, no officer or employee of the State shall be deemed to have forfeited or shall forfeit his office or employment or any benefits or emoluments thereof by reason of his acceptance of the office of member of the board or services therein.

5. Employees. The executive director of the board may employ, upon approval of the members of the board, a general counsel, architects, engineers, accountants, attorneys, financial advisers, land use planners, community planners, economists or other experts and all such other or different officers, agents and employees as may be required and determine their qualifications, terms of office, duties and compensation subject to the Personnel Law. The members of the board shall fix the duties of the executive director.

§ 10005. Powers and duties of board

1. Powers and duties. In addition to other powers granted by this Act, the board shall have the powers and duties to:

A. Approve or disapprove projects and issue certificates of approval upon application of development commissions proposing to undertake projects. In any event, no project shall be approved and no certificate of approval shall be issued until the project has received and secured all applicable licenses, or it is determined that none is required, from the Department of Environmental Protection and Land Use Regulation Commission. It shall be the policy of the board that it determine to its satisfaction the following matters and the issuance of a certificate of approval shall be conclusive proof that the board has made these approvals:

(1) The project will make a contribution to the social and economic well-being of the State;

(2) The project would not result in the removal of an industrial or manufacturing plant of the project occupant from one area of the State to another area of the State, or in the abandonment of one or more plants or facilities of the project occupant located within the State, provided that neither restriction shall apply if the board shall determine that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the State or is reasonably necessary to preserve and improve the competitive position of the project occupant in its respective industry;

(3) Consideration has been given to regional land use planning and conformity with land use and land bank programs that have been approved and adopted by local, state and federal government agencies, including local planning boards, regional planning commissions and the State Planning Office;

(4) The project has been included in a municipal economic plan, adopted by the planning board, or municipal council if there be no planning board, or the regional planning commission or council of government if they be the appropriate agency with jurisdiction as a municipality for purposes of this Act, designed to assure the health, safety, order, convenience, welfare and prosperity of the municipality;

(5) That the project of a municipality that is not a council of governments or a regional planning commission shall have been reviewed and approved as being compatible with any comprehensive plan for the region in which the municipality lies by the governing board or council of such council of governments or regional planning commission, as the case may be, which has jurisdiction and responsibility for development planning for the region in which the municipality lies;

(6) That in the case of a project to be made generally available for industrial or commercial usage on the open market by means of sale, lease or other conveyance by a development commission, such application shall include certification by the development commission in such municipality that comparable and functional facilities to those to be made available by the project are currently unavailable for such purposes within the municipality;

B. Engage in the following activities through close cooperation with and staff assistance of the Department of Commerce and Industry and State Planning Office, including assistance in economic, legal, financial, engineering, environmental, planning and other technical fields:

(1) Assist municipalities to organize development commissions and to prepare municipal economic plans;

(2) Prepare, publish and disseminate materials dealing with development to municipalities;

(3) Encourage and coordinate effective use of existing and new resources and services available for development; and

(4) Assist municipalities and development commissions in preparing applications, reports and other documents to obtain assistance and approvals from appropriate federal, state and local government agencies and from private sources;

C. Adopt bylaws for the regulation of its affairs and the conduct of its business; and

D. Perform other functions necessary to the powers and duties expressly stated in this Act.

§ 1006. Creation of development commissions

1. **Authority.** Municipalities are authorized to create development commissions for purposes of this Act. Any development commission created for purposes of this Act shall be constituted a public benefit corporation exercising public and essential governmental functions and the exercise by a development commission of the powers conferred by this Act shall be deemed and held to be an essential governmental function.

2. **Method.** A municipality may create a development commission by proper resolution of the governing body of the city or any regular, special or other duly constituted meeting of the town, as the case may be, or by proper resolution of the council of government or regional planning commission authorized by the Legislature to be a municipality for purposes of this Act.

Upon the adoption of a resolution by the governing body of a municipality, or other duly constituted meeting of a town, the mayor of the city, or the selectmen of the town, or the chairman of the council of government or regional planning commission, as the case may be, shall proceed to appoint the commissioners of the development commission.

3. **Members.** Except as otherwise provided by a special Act of the Legislature, a development commission shall consist of not less than 5 nor more than 7 commissioners who shall serve at the pleasure of the appointing authority. A commissioner shall continue to hold office until his successor is appointed and has qualified. The governing body of each municipality shall designate the chairman and file with the board a certificate of appointment or reappointment of any commissioner. Such commissioners shall receive no compensation for their services but shall be entitled to the necessary expenses, including travelling expenses incurred in the discharge of their duties. No commissioner of a development commission shall also serve in any capacity with a local development corporation which has negotiated or entered into any contract or agreement with such development commission.

4. **Quorum.** A majority of the commissioners of a development commission shall constitute a quorum.

5. **Limitation.** Any one or more of the commissioners of a development commission may be an official or an employee of the municipality, but a majority of the commissioners of a development corporation shall not be

officials or employees of the municipality. In the event that an official or an employee of the municipality shall be appointed as a commissioner of the development commission, acceptance or retention of such appointment shall not be deemed a forfeiture of his municipal office or employment, or incompatible therewith, or affect his tenure or compensation in any way. The term of office of a commissioner of a development commission who is an official or an employee of the municipality when appointed as a commissioner thereof shall terminate at the expiration of the term of his municipal office.

§ 10007. Purposes of a development commission

The purposes of a development commission shall be to promote, develop, encourage and assist in the planning, acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing manufacturing, recreational, warehousing, research, data processing, fishing, food processing, aquaculture, commercial or industrial facilities, including industrial pollution control facilities, and thereby advance the job opportunities, health, general prosperity, environmental standard and economic and social well-being of the people of the State of Maine utilizing the provisions of this Act.

§ 10008. Powers

1. Powers. To carry out the purposes of this Act, each development commission shall have the following powers:

- A. To sue and be sued;
- B. To have a seal and alter the same at pleasure;
- C. To acquire, hold and dispose of personal property for its corporate purposes;
- D. To plan projects and to obtain a certificate of approval from the Development Approvals Board prior to the acquisition of any interest in real property by purchase, lease, mortgage or otherwise;
- E. To acquire by purchase, grant, lease, gift or otherwise and to use, real property or rights or easements therein necessary for its corporate purposes and to sell, convey, mortgage, lease, pledge, exchange or otherwise dispose of any such property in such manner as the development commission shall determine;
- F. To make and alter bylaws for the management and regulation of its affairs and, subject to agreements with its bondholders, to make rules and regulations with respect to its projects, operations, properties and facilities which bylaws, rules and regulations shall be filed with the Development Approvals Board;
- G. With the consent of the municipality, to use agents, employees and facilities of the municipality, paying the municipality its agreed proportion of the compensation or costs;
- H. To appoint officers, agents and employees, to prescribe their qualifications and to fix their compensation and to pay the same out of funds of the development commission;

I. To appoint an attorney, who may be the corporation counsel of the municipality, and to fix his compensation for services which shall be payable to him in addition to his official compensation, and to retain and employ architects, engineers, accountants, attorneys, financial advisers, land use planners, community planners, economists, or other experts and all such other or different officers, agents and employees as may be required and determine their qualifications, duties, terms of retention, scope of work, compensation and terms of office as the case may be;

J. To make contracts and leases, and to execute all instruments necessary or convenient to or with any person, firm, partnership or corporation, either public or private;

K. To acquire, construct, reconstruct, lease, improve, maintain, equip or furnish one or more projects;

L. To accept gifts, grants, loans or contributions from, and enter into contracts or other transactions with, the United States and the State, or any agency of either of them, any municipality, any public or private corporation or any other legal entity, and to use any such gifts, grants, loans or contributions for any of its corporate purposes;

M. To borrow money;

N. To issue bonds and notes in the name of the development commission, subject to authorization by the registered voters of that municipality by majority vote;

O. To grant options to renew any lease with respect to any project or projects and to grant options to buy any project at such price as the development commission may deem desirable;

P. To make mortgage loans, not to exceed 90% of the cost of a project, secured by a first mortgage lien, including temporary loans or advances, to any local development corporation for the purpose of implementing any project or projects which a development commission could otherwise implement under the provisions of this Act;

Q. To designate the depositories of its money either within or without the State;

R. To establish and reestablish its fiscal year;

S. To promote the industrial and commercial opportunities in the municipality and to offer assistance to industrial and commercial firms to locate or expand operations in the municipality;

T. To do all things necessary or convenient to carry out its purposes and exercise the powers expressly given in this Act.

§ 10009. Moneys

A development commission shall have power to contract with the holders of any of its bonds or notes as to the custody, collection, securing, investment

and payment of any moneys of the development commission or any moneys held in trust or otherwise for the payment of bonds or notes or in any way to secure bonds or notes and to carry out any such contract. Moneys held in trust or otherwise for the payment of bonds or notes, or in any way to secure bonds or notes and deposits of such moneys, may be secured in the same manner as moneys of a development commission and all banks and trust companies are authorized to give such security for such deposits.

§ 10010. Bonds

1. Bonds. A development commission shall have the power subject to authorization by the registered voters of that municipality by majority vote to, from time to time, issue negotiable bonds for any of its corporate purposes without limitation as to amount, except as otherwise provided by such municipal authorization by the registered voters of the municipality.

A development commission shall have power, from time to time and whenever it deems refunding expedient, to refund any bonds by the issuance of new bonds, whether the bonds to be refunded have or have not matured and may issue bonds partly to refund bonds then outstanding and partly for any other purpose hereinabove described. The refunding bonds may be exchanged for the bonds to be refunded, with such cash adjustments as may be agreed, or may be sold and the proceeds applied to the purchase or redemption of the bonds to be refunded. Except as may otherwise be expressly provided by authorization by the registered voters of that municipality by majority vote, the bonds of every issue shall be obligations of the development commission payable solely from revenues derived from the leasing, sale or other disposition of all projects, subject only to any agreements with the holders of particular bonds pledging any particular moneys or revenues.

2. Contents. The bonds shall be authorized by resolution of a development commission and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, payable at such time or times, be in such denominations, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in lawful money of the United States of America at such place or places, either within or without the State, and be subject to such terms of redemption as such resolution or resolutions may provide. The bonds may be sold at public or private sale at such price or prices as the issuing development commission issued pursuant to this Act shall constitute municipal securities of a government shall determine. The bonds of a development commission issued pursuant to this Act shall constitute municipal securities of a governmental unit for purposes of the Municipal Bond Bank created by Title 30, chapter 241, Article 3-A, but nothing in this Act shall constitute such eligibility for any bond which would otherwise be ineligible by its terms or conditions.

3. Provisions. Any resolution or resolutions authorizing any bonds or any issue of bonds may contain provisions, which shall be a part of the contract with the holders of the bonds thereby authorized, as to:

A. Pledging all or any part of the revenues derived from the leasing, sale or other disposition of a project or projects to secure the payment of the bonds, subject to such agreements with bondholders as may then exist;

- B. The rentals, fees and other charges to be charged, and the amounts to be raised in each year thereby, and the use and disposition of the revenues;
- C. The setting aside of reserves or sinking funds, and the regulation and disposition thereof;
- D. Limitations on the right of the development commission to restrict and regulate the use of a project;
- E. Limitations on the purpose to which the proceeds of sale or any issue of bonds then or thereafter to be issued may be applied and pledging such proceeds to secure the payment of the bonds or any issue of the bonds;
- F. The terms upon which additional bonds may be issued and secured; the refunding of outstanding or other bonds;
- G. The procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto and the manner in which such consent may be given;
- H. Vesting in a trustee or trustees such property, rights, powers and duties in trust as the development commission may determine, which may include any or all the rights, powers and duties of the trustees appointed by the bondholders and limiting or abrogating the right of the bondholders to appoint a trustee or limiting the rights, duties and powers of trustee;
- I. Any other matters, of like or different character, which in any way affect the security or protection of the bonds.

§ 10011. Notes

Development commissions shall have power from time to time to issue notes and from time to time issue renewal notes, in this Act referred to as notes, maturing not later than 5 years from their respective original dates for any purpose or purposes for which bonds may be issued. The development commission may secure the notes in the same manner and with the same effect as provided in this Act for bonds. The notes shall be issued in the same manner as bonds. Development commissions shall have power to make contracts for the future sale from time to time of the notes, by which the purchasers shall be committed to purchase the notes from time to time on terms and conditions stated in such contracts, and a development commission shall have power to pay such consideration as it shall deem proper for such commitments. In case of default on its notes or violation of any of the obligations of a development commission to the noteholders, the noteholders shall have all the remedies provided herein for bondholders. Such notes shall be as fully negotiable as the bonds of development commissions. The notes of a development commission issued pursuant to this Act shall constitute municipal securities of a governmental unit for purposes of the Municipal Bond Bank created by Title 30, chapter 241, Article 3-A, but nothing in this Act shall constitute such eligibility for any note which would otherwise be ineligible by its terms or conditions.

§ 10012. Agreements of municipalities and State

The municipality is authorized to, and the State does hereby, pledge to and agree with the holders of the bonds or notes that neither the municipality nor the State, respectively, will limit or alter the rights hereby vested in a development commission to acquire, construct, reconstruct, improve, maintain, equip and furnish the project or projects, to establish and collect rentals, fees and other charges and to fulfill the terms of any agreements made with the holders of the bonds or notes nor in any way impair the rights and remedies of the bondholders or noteholders until the bonds or notes, together with interest thereon, with interest on any unpaid installments of interest and all costs and expenses in connection with any action or proceeding by or on behalf of the bondholders or noteholders are fully met and discharged.

§ 10013. State not liable on bonds or notes

The bonds or notes and other obligations of a development commission shall not be a debt of the State and neither shall the State be liable thereon.

§ 10014. Municipalities not liable on bonds or notes unless otherwise provided

The bonds or notes of a development commission shall not be a debt of a municipality and neither shall a municipality be liable thereon unless specifically authorized by the registered voters of that municipality by majority vote.

§ 10015. Bonds and notes as legal investment

The bonds and notes are hereby made securities in which all public officers and bodies of this State and all municipalities and municipal subdivisions, all insurance companies and associations and other persons carrying on an insurance business, all banks, bankers, trust companies, savings banks and savings associations, including savings and loan associations, building and loan associations, investment companies and other persons carrying on a banking business and all other persons whatsoever, except as otherwise provided, who are now or may hereafter be authorized to invest in bonds or notes or other obligation of the State, may properly and legally invest funds, including capital in their control or belonging to them. The bonds or notes are also made securities which may be deposited with and shall be received by all public officers and bodies of this State and all municipalities and municipal subdivisions for any purpose for which the deposit of bonds or other obligations of this State is now or may hereafter be authorized.

§ 10016. Issuance of securities

1. **Balloting for securities.** Upon receipt of a valid resolution of a development commission, the municipal officers of any municipality are authorized to provide by resolution, at one time or from time to time, for the issuance of revenue or general obligation securities of the development commission for the purpose of using the funds from such issue or issues for the purposes authorized by this Act, providing no securities of a development commission shall be issued until the general purposes for which the securi-

ties are to be issued and the maximum principal amount of such securities to be authorized have been approved by ballot by a majority of the votes cast on the question and number of votes cast is at least 20% of the total vote for all candidates for Governor cast in the municipality at the last gubernatorial election.

2. **Actions to contest validity.** The ballot submitted to the voters of a municipality to authorize the issuance of revenue or general obligation securities shall state the general purposes for which the proposed securities are to be issued and the maximum principal amount of the proposed securities authorized to be issued. The voting at meetings held in municipalities shall be held and conducted in accordance with Title 30, sections 2061 to 2064, even though the municipality has not accepted the provisions of section 2061. The result of such vote shall be declared by the municipal officers and due certificate thereof shall be filed with the board. Any action or proceeding in any court to set aside a resolution authorizing the issuance of revenue or general obligation securities under this Act or to obtain any relief upon the ground that such resolution is invalid must be commenced within 30 days after the holding of the election to approve such securities. After the expiration of such period of limitation, no right of action or defense founded upon the invalidity of such resolution or any of its provisions shall be asserted nor shall the validity of such resolution or any of its provisions be open to question in any court upon any ground whatever.

§ 10017. Tax exemptions.

It is determined that the creation of development commissions and the carrying out of their corporate purposes is in all respects for the benefit of the people of the State of Maine and is a public purpose, and development commission shall be regarded as performing a governmental function in the exercise of the powers conferred upon it by this Act and shall be required to pay no taxes or assessments upon any of the property acquired by it or under its jurisdiction or control or supervision or upon its activities, but nothing in this Act shall prevent the State or any municipality providing any government service to require payment for such services in lieu of any tax.

Any bonds or notes issued pursuant to this Act, together with the income therefrom, as well as property of the development commission, shall be exempt from taxation, except for transfer and estate taxes.

§ 10018. Tax contract by the State

The State covenants with the purchasers and with all subsequent holders and transferees of bonds or notes issued by development commissions pursuant to this Act, in consideration of the acceptance of and payment for the bonds or notes, that the bonds and notes of the development commissions issued pursuant to this Act and the income therefrom, and all moneys, funds and revenues pledged to pay or secure the payment of such bonds or notes shall at all times be free from taxation, except for estate taxes and taxes on transfers by or in contemplation of death.

§ 10019. Remedies of bondholders and noteholders

1. **Trustee.** In the event that a development commission shall default in the payment of principal or of interest on any issue of the bonds or notes after the same shall become due, whether at maturity or upon call for redemption, and such default shall continue for a period of 30 days, or in the event that a development commission shall fail or refuse to comply with this Act, or shall default in any agreement made with the holders of any issue of the bonds or notes, the holders of 25% in aggregate principal amount of the bonds of such issue then outstanding, by instrument or instruments filed in the office of the clerk of the county and proved or acknowledged in the same manner as a deed to be recorded, may appoint a trustee to represent the holders of such bonds for the purposes herein provided.

2. **Duties.** Such trustee may, and upon written request of the holders of 25% in principal amount of such bonds or notes then outstanding shall, in his or its own name:

A. By suit or action enforce all rights of the bondholders or noteholders, including the right to require a development commission to collect revenues adequate to carry out any agreement as to, or pledge of, such revenues, and to require a development commission to carry out any other agreements with the holders of such bonds or notes and to perform its duties under this Act;

B. Bring suit upon such bonds or notes;

C. By action, require a development commission to account as if it were the trustee of an express trust for the holders of such bonds or notes;

D. By action, enjoin any acts or things which may be unlawful or in violation of the rights of the holders of such bonds or notes;

E. Declare all such bonds or notes due and payable, and if all defaults shall be made good then, with the consent of the holders of 25% of the principal amount of such bonds or notes then outstanding, to annul such declaration and its consequences.

3. **Jurisdiction.** The Superior Court shall have jurisdiction of any suit, action or proceeding by the trustee on behalf of bondholders or noteholders. The venue of any such suit, action or proceeding shall be laid in the county in which the project or projects are located.

4. **Notice.** Before declaring the principal of all such bonds due and payable, the trustee shall first give 30 days' notice in writing to the development commission.

5. **Receiver.** Any such trustee, whether or not the issue of bonds represented by such trustee has been declared due and payable, shall be entitled as of right to the appointment of a receiver of any part or parts of a project, the revenues of which are pledged for the security of the bonds of such issue, and such receiver may enter and take possession of such part or parts of the project and, subject to any pledge or agreement with bondholders or noteholders, shall take possession of all moneys and other property derived from

or applicable to the acquisition, construction, operation, maintenance and reconstruction of such part or parts of the project and proceed with the acquisition of any necessary real property in connection with the project that the development commission has covenanted to construct, and with any construction which the development commission is under obligation to do and to operate, maintain and reconstruct such part or parts of the project and collect and receive all revenues thereafter arising therefrom subject to any pledge thereof or agreement with bondholders or noteholders relating thereto and perform the public duties and carry out the agreements and obligations of the development commission under the direction of the court. In any suit, action or proceeding by the trustee, the fee, counsel fees and expenses of the trustee and of the receiver, if any, shall constitute taxable disbursements and all costs and disbursements allowed by the court shall be a first charge on any revenues derived from such project.

6. Other powers. Such trustee shall, in addition to the foregoing, have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth or incident to the general representation of bondholders or noteholders in the enforcement and protection of their rights.

§ 10020. Actions against development commission

In an action against a development commission founded upon tort, the complaint shall contain an allegation that at least 30 days have elapsed since the demand, claim or claims upon which the action is founded were presented to a commissioner of the development commission and that the development commission has neglected or refused to make an adjustment or payment thereof for 60 days after the presentment.

In a case founded upon tort, a notice of claim shall be required as a condition precedent to the commencement of an action against the development commission or an officer, appointee or employee thereof. No action shall be commenced more than one year after the cause of action therefor shall have accrued.

§ 10021. Termination of development commissions

A development commission shall cease to exist and all rights, titles and interest and all obligations and liabilities thereof vested in or possessed by the development commission shall thereupon vest in and be possessed by the municipality when all of the bonds or notes issued by a development commission shall have been redeemed or cancelled for a period of 5 years and the municipality by resolution dissolves the development commission in the same manner by which it is authorized to create such a development commission.

§ 10022. Public bidding

The provisions of any law relating to the requirement of public bidding with respect to the construction of public facilities or projects shall not be applicable to the acquisition, construction, reconstruction, improvement, maintenance, equipping and furnishing of projects authorized by this Act.

§ 10023. Inconsistent provisions in other Acts superseded

Insofar as the provisions of this Act are inconsistent with the provisions of any other Act, general or special, or of any local laws of the municipality, the provisions of this Act shall be controlling, but nothing in this Act shall cause any otherwise valid Act which provisions can be applicable in the alternative to this Act to be inapplicable.

Sec. 2. Appropriation. There is appropriated from the General Fund to the Development Approvals Board the sum of \$39,000 to carry out the purposes of this Act. The breakdown shall be as follows:

	1974-75
DEVELOPMENT APPROVALS BOARD	
Personal Services	\$28,000
All Other	9,000
Capital Expenditures	2,000
	\$39,000

STATEMENT OF FACT

The purpose of this bill is to foster economic development by promoting local development commissions and aiding in the initiation of industries at the local level. This would further coordinate activities of the several agencies involved in economic development at the state level allowing for easier developmental activity at the local level.