

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1456

S. P. 440

In Senate, April 4, 1975

Referred to Committee on State Government. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Huber of Cumberland.

Cosponsor: Senator Marcotte of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

**AN ACT to Reassign the Functions of the Department of Commerce
and Industry and the Office of Energy Resources.**

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the State of Maine has been severely affected by the current economic and energy crisis and these situations are likely to continue for the foreseeable future; and

Whereas, it is urgent that the State of Maine formulate emergency and long-range plans and policies for providing new industrial development and additional jobs and energy to meet the needs of the people of Maine; and

Whereas, the attraction and expansion of industrial development and the coordination of energy conservation and development can best be accomplished under the direct supervision of the Governor; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore.

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

Sec. 1. 5 MRSA § 3304, sub-§ 3, ¶ A, sub-¶¶ (3) and (4) are enacted to read:

(3) The director is authorized to employ research personnel, competent by education, training and experience, to carry out the purposes of section 3305, subsection 1, paragraph H;

(4) The director is authorized to appoint, with the approval of the Governor, a State Energy Coordinator to carry out the powers and duties of section 3305, subsection 1. The director shall, with the approval of the Governor, determine the salary of the State Energy Coordinator.

Sec. 2. 5 MRSA § 3305, sub-§ 1, §§ H and I are enacted to read:

H. Research, planning and program assistance. Compile, analyze and maintain information useful to the development of industry in the State concerning resources, sites, space, equipment, adequate housing, contracts, materials, transportation, markets, labor supply, population trends and other economic considerations. The State Planning Office shall study problems peculiar to the industry and economy of Maine with a view toward the broader utilization of our natural resources and the development of new and improved products and techniques, which studies shall be advanced by coordination of research with existing private and governmental agencies and educational institutions, and may be advanced by contractual relations with persons or organizations equipped to conduct the needed research. Additionally, the office shall prepare evidence and supporting data on types of industries particularly suited to the needs of Maine. The State Planning Office shall, upon request from the Governor or any state department, assist in the preparation of reports regarding the responsibilities and duties provided by this subsection;

I. Energy Coordinator. The State Energy Coordinator, at the direction of the Director of State Planning and with the approval of the Governor, shall have the following powers and duties;

(1) Prepare a comprehensive emergency energy resources plan and from time to time update that plan which shall be developed with the general purpose of guiding and carrying forward the efforts of State Government to meet its responsibilities relating to the resolution of emergencies created by the energy shortage in this State;

(2) Prepare and present for the approval of the Governor and the Legislature an energy policy for the State of Maine, including a comprehensive plan for meeting the projected energy needs of the State. In conjunction with this policy and plan, the Energy Coordinator may prepare and recommend any legislation needed to implement it;

(3) Provide technical assistance to the Governor and the Legislature in identifying emergency and long-range energy needs and resources to meet those needs for the State of Maine;

(4) Provide planning and technical assistance to public and private groups in the field of energy planning;

(5) Encourage, direct or sponsor research and experiments within the State of Maine to develop alternate energy sources, particularly, but not

limited to, those sources which rely on the renewable natural resources of the State;

(6) The Energy Coordinator, with the approval of the director and Governor, may employ such expert and professional consultants and contract for such research and development projects, as he deems necessary within the limits of funds available and consistent with the powers and duties of this section.

Sec. 3. 5 MRSA Pt. 13, as enacted by PL 1973, c. 770, § 2, is repealed.

Sec. 4. 5 MRSA Pt. 16 is enacted to read:

PART 16

STATE DEVELOPMENT OFFICE

CHAPTER 361

STATE DEVELOPMENT OFFICE

§ 7001. State Development Office

There is established to carry out the purposes of this chapter a State Development Office in the Executive Department which shall be directly responsible to the Governor and which shall be responsible for the creation of job opportunities by encouraging and assisting the expansion and improvement of both new and existing economic activities within the State.

Wherever the words "Department of Commerce and Industry" appear in the Revised Statutes they shall mean the "State Development Office."

§ 7002. State Development Director

1. The Director. The executive head of the State Development Office shall be the director and shall be appointed by the Governor with the approval of the Executive Council. The director shall serve a term coterminous with that of the Governor subject to removal for cause by the Governor. The director shall be paid a salary fixed by the Governor and Council.

Wherever the words "Commissioner of Commerce and Industry" appear in the Revised Statutes they shall mean the "Director of the State Development Office."

2. Powers and duties. The director shall have the following powers and duties:

A. Appoint and remove the staff of the office and prescribe their duties as may be necessary to implement the purposes of this chapter. Professional employees authorized by this chapter shall be hired as unclassified employees. All other employees shall be subject to the state civil service system.

B. The director, with the approval of the Governor, may employ or engage such outside technical or professional consultants as may be necessary or appropriate to assist the office in carrying out its functions; and may

enter into contracts with other boards, commissions, departments and divisions of the State or with the University of Maine to assist him in carrying out his duties under this chapter;

C. The director is authorized to accept for the State any federal funds appropriated under any federal law relating to the authorized programs of the office and to do such acts as are necessary for the purposes 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 to carry out this chapter, including such fees as the director may designate for books, booklets, brochures, pamphlets, films, photos, maps, exhibits and all like materials;

D. The several offices, boards, commissions, departments and divisions of the State, and city and town officials may consult with the office and furnish or make available to it data and information within their knowledge or control.

The State Development Office shall maintain a close liaison with and make recommendations and reports in cooperation with the Maine Guarantee Authority, the Maine Mining Bureau and the State of Maine Publicity Bureau.

E. The director, with the approval of the Governor, shall implement a program designed to promote and attract new industry to the State, expand existing economic activities in the State and help existing businesses to find both domestic and foreign markets for their products. Such a development program may include coordination of activities between the public and private sectors, including assistance to local communities in their development efforts, extension of technical assistance to new and existing industries seeking expansion within the State and utilization of trade missions, exhibits, brochures, technical assistance and expertise as may be necessary to develop and promote economic and job opportunities within the State.

Sec. 5. 10 MRSA c. 101, as amended, is repealed.

Sec. 6. Funds and equipment transferred. Notwithstanding the Revised Statutes, Title 5, section 1585, all accrued expenditures, assets and related capital equipment, liabilities, balances of appropriations, transfers, revenues or other available funds in any account or subdivision of any account of the Department of Commerce and Industry and the Office of Energy Resources shall be allocated to the proper place in an account within the Executive Department in accordance with the distribution of functions resulting from this Act, by the State Controller, upon recommendation and allocation by the Governor and Executive Council; except that the printing equipment, the personnel operating said equipment and any account established for said printing operations shall be transferred to the Printing Division within the Department of Finance and Administration.

Sec. 7. Transitional; employees. Within the limits of available funds, the classified employees of the Department of Commerce and Industry, whose

job classifications will be maintained as classified positions in the State Planning Office or the State Development Office, shall be transferred to said offices in accordance with this Act, without loss of accrued sick leave, vacation pay or other benefits. Transfers of classified professional employees to unclassified professional positions in the State Planning Office or the State Development Office will be given where such employees voluntarily give up their classified status. Those classified professional employees who choose to retain their classified status will not be able to receive reassignment to similar unclassified professional positions in the State Planning Office or the State Development Office, but may transfer to other such vacant classified positions in State Government or be placed on appropriate layoff registers.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACT

Section 1 of this bill amends the State Planning Act to allow the Director of State Planning to employ research planners to carry out the research functions previously performed by the Department of Commerce and Industry and to allow the Director of State Planning to appoint, with the approval of the Governor, a State Energy Coordinator.

Section 2 of the bill amends the powers and duties of the State Planning Office to allow for analysis of information useful to industrial development within the State of Maine and by allowing the State Energy Coordinator, at the direction of the Director of State Planning and with the approval of the Governor, to prepare an energy policy and plan for the State and provide technical assistance to the Governor and the Legislature in identifying emergency and long-range energy needs and resources of the State.

Section 3 of this bill reorganizes the Maine Office of Energy Resources.

Section 4 of this bill creates a State Development Office in the Executive Department, which is directly responsible to the Governor and which shall be concerned with carrying out the responsibility of State Government regarding creation of job opportunities by encouraging and assisting expansion and improvement of new and existing economic activities within the State.

Section 5 of this bill reorganizes the Department of Commerce and Industry.

This bill was supported by the Governor in his legislative address to the 107th Legislature.