

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1730

H. P. 1477

House of Representatives, April 25, 1977

On Motion of Mr. Curran of South Portland, referred to Committee on State Government. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Valentine of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT to Establish the Maine Tourism Development Corporation.

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

Sec. 1. 10 MRSA c. 107 is enacted to read:

CHAPTER 107

MAINE TOURISM DEVELOPMENT CORPORATION

§ 915. Statement of legislative findings and intent

The Legislature finds that Maine's tourism industry, one of its most important industries which has a significant impact on the economic well-being of the people of Maine, has not realized its potential growth.

The Legislature further finds that the development of this vital industry has not taken place in an efficient, coordinated and well planned manner, to ensure the maximum utilization of the human and natural resources of Maine in a manner compatible with the natural values of the land and other environmental resources and with the desires of Maine people.

The Legislature further finds that State Government lacks the means by itself and is, by the nature of our government and the nature of our social and economic systems, an inappropriate vehicle to provide the only leadership, skills and resources for fostering and supporting the development of tourism in the State.

The Legislature further finds that the State's great partners in fostering and supporting development of tourism are the many and varied elements of the private sector and of the quasi-public and public sectors.

Therefore, the Legislature declares that there is need for a new corporation to complement and capitalize on the current and future tourism development of State Government. The Legislature declares that this corporation should bring together in one partnership the State, other diverse quasi-public and public entities and the private sector to stimulate the tourist industry of the State and to improve the economic climate and economic opportunities in Maine.

§ 916. Establishment

The Maine Tourism Development Corporation is hereby established and hereafter in this chapter called "the corporation." It shall consist of all corporators from the private and public sector who shall annually pay a membership fee to the corporation as specified in section 918, subsections 1 and 2. These funds shall be matched in an equal amount from general fund revenues to a maximum of \$300,000. Such state appropriations shall be made only if the corporation provides material advertising and handles all requests for information regarding tourism now received by the State. This corporation shall be accountable to both its private contributors and to the State for the use of funds.

§ 917. Purpose

The Maine Tourism Development Corporation is authorized and directed to promote, foster and assist in efforts to revitalize the tourist industry in Maine; to develop plans and programs to meet present and future needs of the tourist industry; to implement programs designed to promote vacation travel and to attract visitors to the State; to develop resources such as historic preservation districts, archeological sites, theaters and museums which enhance the life of Maine residents as well as attracting tourists; to expand existing programs within and without the State and to coordinate planning between the public and private sectors.

§ 918. Membership

Members of the corporation shall consist of individuals, partnerships, firms, corporations and other organizations classified as private sector corporators, public sector corporators and ex-officio corporators.

1. Private sector corporators. Private sector corporators shall be those individuals, partnerships, firms, corporations and other organizations providing support of at least \$250 annually to the corporation.

2. Public sector corporators. Public sector corporators shall be those agencies of government and other organizations providing support of at least \$50 annually to the corporation. For the purposes of this chapter, public sector corporators shall include: Municipal and county government; councils of government; local and area development corporations; regional planning commissions; development districts; state agencies; higher educational facilities, including the components of the state university system, the Maine Maritime Academy, private colleges and post-secondary schools, vocational-technical institutes and such other public or quasi-public entities as may be approved by the directors of the corporation.

3. **Ex-officio corporators.** Ex-officio corporators shall consist of the heads of the major state departments and agencies and the Chancellor of the University of Maine. State department and agency heads shall include the following:

Director of the State Planning Office,
Director of the State Development Office,
Commissioner of Conservation,
Commissioner of Educational and Cultural Services,
Commissioner of Inland Fisheries and Wildlife,
Commissioner of Marine Resources and
Commissioner of Transportation.

4. **Voting rights.** Each corporator shall have a vote in such affairs of the corporation as may involve the corporators, provided that in the case where the corporator is an organization and not an individual, the governing body of that organization shall designate the individual who is to exercise the voting right.

§ 919. Board of directors; officers

The board of directors of the Maine Development Corporation shall consist of 15 directors. The corporators shall elect 12 directors from among the corporators, provided that 7 directors shall be elected from among the private sector corporators and 5 directors shall be elected from among the public sector corporators. The Governor shall appoint 2 directors from among the ex-officio corporators. No person shall serve as a director for more than 5 years in succession. There shall be a chairman, a vice-chairman and a treasurer elected by the corporators from among the board of directors. The president of the corporation shall be appointed by the directors so elected or appointed and shall become a director and chief executive officer of the corporation. The president shall not be appointed from among the other directors.

§ 920. Meetings, board, general membership

The board of directors shall conduct meetings at least once every 3 months for the purpose of carrying out the provisions of this chapter. Such meetings shall be open to the public and notice of such meetings shall be provided to all members of the corporation and the public.

At least once every 6 months the board shall convene a meeting of the total membership of the corporation. The purpose of such meeting shall be to provide the general membership of the corporation with the opportunity to review, ratify or modify various proposals presented by the board.

Members of the corporation may at anytime request that the board convene a meeting of the total membership. Upon presentation of a petition signed by 60% of all corporation members requesting that a meeting of the total membership be held, the chairman of the board shall schedule and hold such

a meeting within 30 days of receipt of such petition and give public notice and notice to members of the corporation.

§ 921. Powers and duties

The powers and duties of the Maine Tourism Development Corporation shall include the following:

1. Rules and regulations. To adopt and promulgate rules and regulations necessary for the operation of the corporation;
2. Contracts. To enter into contracts with any governmental agency, private or public corporations, partnerships, associations or individuals;
3. Suits. To sue or be sued in its own name;
4. Grants and funds. To apply for and accept grants or funds from any governmental agency or private source, whether by way of grant, donation, loan or any other manner;
5. Books and accounts. To keep books, records and accounts of all its activities, which shall be open to inspection and audit by the State at all times. The State Department of Audit shall conduct an annual audit at the expense of the corporation and shall report the results of its audit to the Legislature, the Treasurer of State and the corporation membership.
6. Power to lease, purchase and own. To lease, purchase or own the facilities, equipment and supplies it deems necessary to carry out the purposes of this chapter.

§ 922. Prohibited interests of officers, directors, employees

No officer, director or employee of the corporation or their spouses or dependent children shall receive any direct personal benefit from the activities of the corporation in assisting any private entity. This provision shall not prohibit corporations or other entities with which an officer or director is associated by reason of ownership or employment from participating in economic development activities with the corporation, provided that such ownership or employment is made known to the board and the officer or director abstains from voting on matters relating to such participation. This prohibition does not extend to corporators who are not officers or directors of the corporation.

§ 923. Initial organization

In order to provide for the initial organization of the corporation, the Governor shall appoint an organizing committee of 14 persons, 7 of whom shall be eligible to be private sector corporators, 5 of whom shall be eligible to be public sector corporators and 2 of whom shall be state department and agency heads from among the list set forth in section 918, subsection 3. The Governor shall designate the chairman of the committee. The organizing committee shall solicit individuals and corporations from the private and public sectors as described in this chapter to be corporators of the Maine Tourism Development Corporation.

The committee shall call and hold an initial meeting of the corporators no later than 6 months from the effective date of this Act. The initial meeting shall be for the election of directors and officers of the corporation. The committee shall prepare an agenda for and the chairman shall chair the initial meeting. The committee shall serve as the nominating committee for the initial election only, and may submit suggested bylaws and procedures for consideration by the corporators.

After the initial meeting of the corporators, the organizing committee shall be dissolved and its members shall serve the corporation only as they may be qualified as corporators. The State Development Office and the State Planning Office may provide assistance to the organizing committee in the initial development of the corporation.

Sec. 2. Appropriation. There is appropriated from the General Fund the sum of \$300,000 for the fiscal years 1977-78 and 1978-79. It is provided, however, that no amount of the appropriation shall be provided to the corporation unless the corporation can demonstrate a matching and equal fiscal support from its private and public corporators and members described in Title 10, chapter 107. Any appropriated funds not matched by the corporation shall not lapse and shall be carried forward. The breakdown shall be as follows:

	1977-78	1978-79
MAINE TOURISM DEVELOPMENT CORPORATION		
All Other	\$150,000	\$150,000

STATEMENT OF FACT

The purpose of this bill is to establish a Maine Tourism Development Corporation to foster, support and assist the growth of tourism in Maine. The corporation would be funded jointly by the private sector with matching funds from the General Fund up to a limit of \$300,000.