

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)

ACTS AND RESOLVES

AS PASSED BY THE

Ninety-seventh Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with subsection VI of section 27 of chapter 10 of the Revised Statutes of 1954.

KENNEBEC JOURNAL
AUGUSTA, MAINE
1955

PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Ninety-seventh Legislature

1955

sistant shall take the oath prescribed for county attorneys and assist the county attorney in the ordinary duties of his office, in the drawing of indictments, in the hearing of complaints before the grand jury and in the preparation and trial of criminal causes. He shall, when directed by the county attorney, act as counsel for the State in the trial of complaints before judges of municipal courts and trial justices. The assistant county attorney shall hold his office during the term of the county attorney by whom he was appointed, subject to removal at any time by the Chief Justice of the Supreme Judicial Court.'

Sec. 5. R. S., c. 89, § 130, amended. That part of section 130 of chapter 89 of the revised statutes which relates to the salary of the county treasurer of Kennebec county is hereby amended to read as follows:

'Kennebec, ~~\$2,800~~ \$3,000.'

Sec. 6. R. S., c. 89, § 149, amended. That part of section 149 of chapter 89 of the revised statutes which relates to the salary of the sheriff of Kennebec county is hereby amended to read as follows:

'Kennebec, ~~\$3,600~~ \$4,500.'

Sec. 7. R. S., c. 89, § 215, amended. That part of section 215 of chapter 89 of the revised statutes which relates to the salary of the register of deeds of Kennebec county is hereby amended to read as follows:

'Kennebec, ~~\$2,950~~ \$5,000.'

Sec. 8. R. S., c. 153, § 3, amended. That part of section 3 of chapter 153 of the revised statutes which relates to the salary of the judge of probate of Kennebec county is hereby amended to read as follows:

'Kennebec, ~~\$3,500~~ \$5,000.'

Sec. 9. R. S., c. 153, § 22, amended. That part of section 22 of chapter 153 of the revised statutes which relates to the salary of the register of probate of Kennebec county is hereby amended to read as follows:

'Kennebec, ~~\$2,300~~ \$4,000.'

Sec. 10. Effective date of section 7. The provisions of section 7 which relate to the salary of the register of deeds of Kennebec county shall be retroactive to January 1, 1955.

Effective August 20, 1955

Chapter 471

AN ACT to Create the Department of Development of Industry and Commerce.

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

Sec. 1. R. S., c. 38-A, additional. The revised statutes are hereby amended by adding thereto a new chapter to be numbered 38-A, to read as follows:

CHAPTER 38-A.

DEPARTMENT OF DEVELOPMENT OF INDUSTRY AND COMMERCE.

Organization.

Sec. 1. Commissioner. There is hereby created a Department of Development of Industry and Commerce, hereinafter in this chapter called the "Department." The Department shall be under the supervision and control of a Commissioner of Development of Industry and Commerce, hereinafter in this chapter called the "Commissioner." He shall be appointed by the Governor with the advice and consent of the Council for a term of 4 years and shall hold office until his successor is appointed and qualified.

The Commissioner may be removed by the Governor and Council for cause. Any vacancy in said office shall be filled by appointment for a like term in the same manner as hereinbefore provided.

He shall receive such salary as the Governor and Council may determine.

Sec. 2. Powers. The Commissioner may employ such division chiefs, deputies, assistants and employees as may be necessary, subject to the provisions of the Personnel Law; 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, 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 the provisions of this chapter.

The Commissioner may employ a State Geologist to serve at the pleasure of the Commissioner. The State Geologist shall perform such duties as shall be required of him by law or assigned to him by the Commissioner.

The Commissioner shall organize a Division of Research and Planning, a Division of Development, a Division of Recreational Promotion and such other divisions as the Commissioner may recommend and as may be approved by the Governor and Council. The Commissioner and the Commissioner of Labor and Industry shall from time to time confer on matters affecting the economic and social welfare of the State, including hours of labor, wages, industrial safety and regulatory decisions and orders.

The Commissioner is authorized and empowered to accept for the State any Federal funds apportioned under the provisions of Federal law relating to urban planning and planned public works and to do such acts as are necessary for the purpose of carrying out the provisions of 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 the provisions contained herein.

Sec. 3. Cooperation with others. The several officers, Boards, Commissions, Departments and Divisions of the State, and city and town officials may consult with the Department and furnish or make available to it data and information within their knowledge or control.

Division of Research and Planning.

Sec. 4. Powers and duties. The Division of Research and Planning shall be empowered to:

I. Compile and maintain information useful to the development of all industries of the State concerning resources, sites, space, equipment, adequate housing, contracts, materials, transportation, markets, labor supply, population trends and other economic considerations.

II. Study specific problems peculiar to the industry and economy of Maine with a view towards the broader utilization of our natural resources and the development of new and improved industrial products and techniques, which studies shall be advanced by coordination of research with existing private and governmental agencies and education institutions, and may be advanced by contractual relations with persons or organizations familiar with the problems and equipped to conduct the needed research.

III. Study specific problems relating to agriculture and sea and shore fisheries, cooperating with the Departments of Agriculture and Sea and Shore Fisheries and other existing governmental and private agencies in the development of new products and techniques which will tend to improve the economic condition of those engaged in these two endeavors.

IV. Assist in the preparation of reports upon request from the Governor or any State department.

V. Prepare evidence and supporting data on types of industry on which special efforts should be made to locate them in Maine, with special attention to the possibilities in the fields of electronics, nuclear energy, plastics, and other industries based on recent technological developments.

VI. Prepare and from time to time revise and perfect a master plan for the physical development of the State. Such master plan, with any accompanying maps, plats, charts and descriptive matter, shall be designed with the general purpose of guiding and carrying forward such coordinated, effective and economic development of the State, with due respect to its topography, resources and its present needs and future possibilities, as will best promote the health, safety, order, convenience, welfare and prosperity of the people. Among other things such master plan shall tend to bring into suitable relation the use of land, soil, water and natural resources; the location and distribution of population and habitation; agriculture and forestry; recreational resources, facilities and opportunities; fishing and mining; trade and industry; ports, highways, railways, airways and every form of transportation, travel and communication; public institutions of every description, whether publicly or privately supported; water supply and disposal of sewage; and all such other developments and uses as will tend to avoid waste of the human, financial and physical resources of the State and to promote the above purposes.

VII. Act as the coordinating agency between the several officers, Boards, Commissions, Departments and Divisions of the State in matters relative to the physical development of the State, including the Maine Port Authority and Maine Aeronautics Commission, and review the proposals of said agencies in the light of their relationship to the master plan and incorporate the results of such reviews in the reports of the Department; provided, that nothing in this section shall be construed as limiting the powers and duties of any officer, Board, Commission, Department or Division of the State.

VIII. Assist in planning any public or private project involving Federal grants or loans; advise, confer and otherwise cooperate with municipal planning boards, agencies, officials, civic and other groups and citizens in matters relating to zoning, and planning relating to schools, housing, health, land

use controls, assessment and taxation, and other objectives; initiate, encourage and assist local planning boards and other municipal agencies and officials in regional planning.

Division of Development.

Sec. 5. Powers and duties. The Division of Development shall be empowered to:

I. Promote the welfare of existing industry and the location of new business and coordinate these activities with the efforts of public, private and other agencies.

II. 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 with citizens' groups, service organizations, Chambers of Commerce, and regional and municipal agencies and officials.

III. Maintain an office without the State for the receipt and dissemination of information concerning the attraction of new industries to the State.

IV. Disseminate information setting forth the commercial, agricultural, industrial, fisheries, recreational, labor market and other facilities and advantages of the State.

V. Promote the industrial development efforts of local communities by assisting in the formation of industrial foundations in cooperation with local agencies.

VI. 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.

VII. Help existing business to find markets, domestic or foreign, for their products.

Division of Recreational Promotion.

Sec. 6. Powers and duties. The Division of Recreational Promotion shall be established to promote the recreational facilities of the State. The Division is empowered to:

I. Advertise and publicly set forth and display the recreational resources, attractions and activities of the State.

II. 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.

III. Utilize the data prepared and gathered by the Divisions of Research and Planning, and Development, and cooperate with these two divisions in the advancement of the general well-being of the State.

Advisory Board.

Sec. 7. Advisory Board. There shall be established an Advisory Board, which shall consist of the Governor, the Commissioner of Agriculture, the Commissioner of Inland Fisheries and Game, the Forestry Commissioner, the Commissioner of Sea and Shore Fisheries and 23 public members to be appointed by the Governor with the advice and consent of the Council. The public members shall consist of one resident of each of the counties and 7 members at large, and shall reflect as representative a cross-section of the economy of the State as is practicable. The Governor and the said department heads shall hold office during their respective terms.

The public members of the Maine Development Commission shall continue to serve on the Advisory Council as the public members-at-large for the duration of the terms for which they were appointed to the said Commission. Thereafter, the public members-at-large shall be appointed to fill vacancies as they occur for terms of 3 years.

Of the public members appointed hereunder to represent the counties, 5 shall have a term of one year, 5 shall have a term of 2 years and 6 shall have a term of 3 years. Thereafter, all public members appointed to represent the counties shall be appointed for terms of 3 years.

The Governor, with the advice and consent of the Council, shall fill any vacancy for the unexpired term.

Sec. 8. Advisory Board duties and privileges. The Advisory Board shall serve without compensation but may be reimbursed for their expenses incurred in the performance of their duties. They shall meet upon call of the Commissioner, shall act in an advisory capacity in such areas of department activity and take such action relative to the attraction of out-of-state industrial prospects as may be requested by the Commissioner, and may make such recommendations as to it may seem appropriate. The Commissioner shall consult with the Commissioners of Agriculture, Inland Fisheries and Game, Sea and Shore Fisheries and Forestry in questions of departmental policies that may relate to their respective departments. The Commissioners shall consult with the Advisory Board on questions of general allocations of departmental activities among or between the several activities of the Department.

Building at Eastern States Exposition.

Sec. 9. Maine Building at Eastern States Exposition. The Department shall 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 Department shall have complete control and supervision of all exhibits held in such building.

Persons of Baltic Origin.

Sec. 10. Statement. It shall be and is declared to be the policy of the State of Maine to encourage the settlement within its borders of displaced persons of Baltic origin; provided nevertheless that nothing herein contained shall be so construed as to discourage immigrants of other nationalities.

Sec. 11. Settlements. The Department is empowered and authorized to negotiate with the U. S. Department of State, with the U. S. Department of Justice and with the United Nations or with any proper agency or department of the United Nations, to arrange for the settlement in this State of such displaced persons of Balitic origin who are able to buy, or who may have bought for them, private property within the State owned by private persons.'

Sec. 2. R. S., c. 16, § 231, amended. Section 231 of chapter 16 of the revised statutes is hereby amended to read as follows:

'Sec. 231. Appropriation of moneys received. Moneys received through the provisions of sections 222 to 233, inclusive, by the Treasurer of State shall be appropriated and used for the following purposes:

I. For the collection of the tax provided for by section 224 and the enforcement of all the provisions of sections 222 to 233, inclusive.

II. A sum which shall equal at least 25% of the money collected shall be used and applied for the purpose of investigating and determining better methods of production, shipment and merchandising of potatoes, and for the manufacture and merchandising of potato by-products by the Maine Agricultural Experiment Station under the supervision of the Maine ~~development commission~~ Potato Commission.

III. A sum which shall equal at least 25% of the money collected shall be used for the general purpose of merchandising and advertising Maine potatoes for food and for seed purposes under the direction of the Maine ~~development commission~~ Potato Commission. The Commission may use the advice and facilities of the Department of Development of Industry and Commerce in carrying out the provisions of this subsection.

IV. The funds remaining over and above the expenses of carrying out the provisions of sections 222 to 233, inclusive, including the expenditures authorized under the provisions of subsections II and III, may be expended by the ~~commission~~ Potato Commission to carry out the purposes outlined in said subsections as it may determine. The ~~commission~~ Potato Commission may expend annually a sum of money not in excess of \$10,000 for the purpose of enforcing laws relating to the branding of potatoes.'

Sec. 3. R. S., c. 16, § 232, amended. Section 232 of chapter 16 of the revised statutes is hereby amended to read as follows:

'Sec. 232. Maine Potato Commission. The Maine ~~potato tax committee~~ Potato Commission, as heretofore established as the Maine Potato Tax Committee, shall continue to consist of 5 members to be appointed by the Commissioner of Agriculture from representatives of the potato industry in this State. Four of these members shall be residents of Aroostook County and one a resident of central Maine, so called. Each member shall be appointed for a term of 2 years or until his successor is duly appointed and qualified. In case of a vacancy caused by death, resignation or otherwise, the vacancy shall be filled by the Commissioner for the unexpired period of the term. The said ~~committee~~ shall Commission may work with the Maine ~~development commission~~ in an advisory capacity to assist the ~~commission~~ in the Department of Development of Industry and Commerce in carrying out the provisions of sections 222 to 233, inclusive. The members of the ~~committee~~ Commission shall serve without compensation but shall be reimbursed for expenses incurred in the performance of their duties.'

Sec. 4. R. S., c. 16, § 267, sub-§ II, amended. Subsection II of section 267 of chapter 16 of the revised statutes is hereby amended to read as follows:

'II. The balance in such amounts as shall be from time to time determined by the Maine Sardine ~~tax committee~~ Council:

A. For the purpose of merchandising and advertising Maine sardines for food, under the ~~joint~~ direction of the Maine ~~development commission and the Maine sardine tax committee~~ Sardine Council with the advice and cooperation of the Commissioner of Development of Industry and Commerce.

B. For conducting research and investigation of methods of propagating and conserving clupeoid fish, particularly the clupea harengus, with a view of improving both the quality and quantity of the same in Maine waters, and for the implementation of all feasible methods of improving, propagating and conserving the same, under the joint direction of the Commissioner of Sea and Shore Fisheries and the Maine Sardine ~~tax committee~~ Council.'

Sec. 5. R. S., c. 16, § 268, amended. Section 268 of chapter 16 of the revised statutes is hereby amended to read as follows:

'Sec. 268. **Maine Sardine Council.** The Maine Sardine ~~tax committee~~ Council, as heretofore established, shall consist of 7 members to be appointed by the Commissioner of Sea and Shore Fisheries. ~~Five~~ Four members of said ~~committee council~~ shall constitute a quorum for the transaction of all business and the carrying out of the duties of the ~~committee council~~. Such members shall be practical sardine packers, operating within the State, who shall have been actively engaged in packing sardines for not less than 5 years and each shall be so actively engaged during his continuance in office. A person shall be considered actively engaged in packing sardines if he has during the period derived a substantial portion of his income therefrom, or has been the directing or managing head of an entity that derives a substantial portion of its income from packing sardines.

Regular appointments shall be for a term of 5 years and each member shall serve until his successor is duly appointed and qualified. In the case of a vacancy caused by death, resignation or otherwise, the vacancy shall be filled promptly by the Commissioner of Sea and Shore Fisheries for the unexpired period of the term.

The members of the ~~committee council~~ shall serve without compensation but shall be reimbursed for expenses incurred in the performance of their duties. They are authorized to select and employ an executive secretary-advertising and merchandising manager to administer the advertising, merchandising, research and development program, in concurrence with the ~~Maine development commission and the~~ Commissioner of Sea and Shore Fisheries and with the advice and cooperation of the Commissioner of Development of Industry and Commerce, and ~~to~~ fix his salary. The executive secretary, with the consent of the ~~committee Council~~, is authorized, subject to the provisions of the Personnel Law, to engage sufficient clerical personnel and other employees for the efficient performance of his duties.'

Sec. 6. R. S., c. 33, § 7, sub-§ III, amended. Subsection III of section 7 of chapter 33 of the revised statutes is hereby amended to read as follows:

'III. 66 $\frac{2}{3}$ % of such moneys raised by assessments for the promotional, educational, experimental plans and the research and advertising purposes as de-

terminated by the Maine Dairy Council Committee and for the compensation of and the expenses incurred by the Maine Dairy Council Committee. ~~All promotional and advertising plans shall be under the supervision of the Maine Development Commission.~~

Sec. 7. R. S., c. 39, repealed. Chapter 39 of the revised statutes, relating to the Maine Development Commission, is hereby repealed.

Sec. 8. R. S., c. 62, §§ 8, 9, repealed. Sections 8 and 9 of chapter 62 of the revised statutes are hereby repealed.

Sec. 9. Legislative intent. It is the intent of the Legislature that the powers and duties of the Maine Development Commission are hereby transferred to, and shall hereafter be exercised and performed by, the Department of Development of Industry and Commerce. Said Commission shall transfer to said Department all property, records and other data now in its custody. With respect to the year end closing at June 30, 1955, all encumbered balances of the Maine Development Commission shall be credited to the Department and all appropriations to the Commission made by the 97th Legislature shall be credited to the Department. In the transition from the Development Commission operation to the Department of Development of Industry and Commerce operation, the Legislature intends that the personnel of the Commission shall be transferred to the Department in such generally similar job responsibilities as may be consistent with the efficient organization of the Department.

It is further the intent of the Legislature that the Department shall assist, and be assisted by, the Maine Publicity Bureau in accordance with the provisions set forth in section 1 of chapter 22 of the private and special laws of 1937.

Sec. 10. Appropriation. In addition to any sums which may be appropriated by the Legislature for the fiscal years 1955-56 and 1956-57 for the purposes of this Act, there is hereby appropriated from the general fund the sum of \$50,000 for the fiscal year ending June 30, 1956 and \$50,000 for the fiscal year ending June 30, 1957 to carry out the purposes of this Act.

Effective August 20, 1955

Chapter 472

AN ACT Relating to Salaries of Justices of Supreme Judicial Court and Superior Court.

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

Sec. 1. R. S., c. 103, § 4, amended. The 1st sentence of section 4 of chapter 103 of the revised statutes is hereby amended to read as follows:

'The Justices of the Supreme Judicial Court shall each receive an annual salary of ~~\$11,000~~ \$12,000, and the Chief Justice of the Supreme Judicial Court shall receive an annual salary of ~~\$12,000~~ \$13,000.'

Sec. 2. R. S., c. 106, § 2, amended. The 1st sentence of section 2 of chapter 106 of the revised statutes is hereby amended to read as follows: