

MAINE STATE LEGISLATURE

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REVISED STATUTES
OF THE
STATE OF MAINE
1954

1959 CUMULATIVE SUPPLEMENT

ANNOTATED

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Chapter 38-A.

Department of Economic Development.

- Sections 1- 3. Organization.
- Section 4. Division of Research and Planning.
- Section 5. Division of Industrial Development.
- Section 6. Division of Recreational Promotion.
- Section 6-A. Division of Publicity and Public Relations.
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- Sections 7- 8. Advisory Board.
- Sections 8-A to 8-B. State Museum.
- Section 9. Building at Eastern States Exposition.
- Sections 10-11. Persons of Baltic Origin.

Legislative intent.—Section 9 of the act which added this chapter reads as follows: “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.”

Organization.

Sec. 1. Department created; commissioner.—The department of economic development, as heretofore established and hereinafter in this chapter called the “department” shall be under the supervision and control of a commissioner of department of economic development, 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. (1955, c. 471, § 1. 1957, c. 123, § 1.)

Effect of amendment.—Prior to the 1957 amendment a department of development of industry and commerce was created by this section. The 1957 amendment substituted “the department of eco-

nomie development, as heretofore established” therefor and changed the name of the former department to “department of economic development” wherever it appeared in the section.

Sec. 2. Powers and duties of commissioner.—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, without the consent of the governor and council, such consultants as may be necessary to carry out the purposes of this chapter.

The commissioner shall organize a division of research and planning, a division of industrial development, a division of recreational promotion, a division of publicity and public relations and a division of geological survey 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. (1955, c. 471, § 1. 1957, c. 123, §§ 2, 2-A, 3.)

Effect of amendment.—Prior to the 1957 amendment the second paragraph of this section authorized the employment of a state geologist and provided his duties. The 1957 amendment inserted the present second paragraph and also made changes in the third paragraph by substituting “division of industrial development” where “division of development” formerly appeared, and by inserting “a division of publicity and public relations and a division of geological survey.”

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. (1955, c. 471, § 1.)

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 and executing 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 urban renewal, 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 and urban renewal. (1955, c. 471, § 1. 1959, c. 359, § 2.)

Effect of amendment.—The 1959 amendment rewrote subsection VIII of this section, adding the provisions relative to urban renewal.

Division of Industrial Development.

Sec. 5. Powers and duties.—The division of industrial 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. Promote the industrial development efforts of local communities by assisting in the formation of industrial foundations in cooperation with local agencies.

V. 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.

VI. Help existing business to find markets, domestic or foreign, for their products. (1955, c. 471, § 1. 1957, c. 123, §§ 3-A, 4, 5.)

Effect of amendment.—The 1957 amendment inserted the words “industrial” in the name of the division in the first paragraph, repealed former subsection IV, and renumbered former subsections V to VII to read “IV”, “V” and “VI”.

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. (1955, c. 471, § 1.)

Division of Publicity and Public Relations.

Sec. 6-A. Powers and duties.—The division of publicity and public relations shall disseminate information setting forth the commercial, agricultural, industrial, fisheries, recreational, labor market and other facilities and advantages of the state. (1957, c. 123, § 6.)

Division of Geological Survey.

Sec. 6-B. State geologist.—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 by him by law or assigned to him by the commissioner. (1957, c. 123, § 6.)

Sec. 6-C. Geological survey publication fund, established.—There is hereby established within the division of geological survey a revolving fund for the use of the division to cover printing and distribution costs for geological and related technical literature. (1957, c. 374.)

Sec. 6-D. Printing and sale of publications.—The commissioner of economic development 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.

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.

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 section 6-C. (1957, c. 374. 1959, c. 293.)

Effect of amendment.—The 1959 amendment added the last paragraph.

Advisory Board.

Sec. 7. Composition of 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. (1955, c. 471, § 1.)

Sec. 8. 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. (1955, c. 471, § 1.)

State Museum.

Editor's note.—P. L. 1957, c. 376, which inserted §§ 8-A and 8-B, provided in § 2 thereof as follows: "There is hereby appropriated from the general fund the sum of \$25,000 for the fiscal year ending June 30, 1958 and \$10,000 for the fiscal year ending June 30, 1959 to reestablish, equip and maintain the state museum."

Sec. 8-A. State museum. — A state museum shall be established in the basement of the south wing section of the state capitol and such section shall be exclusively used for the museum, provided no other building or property is acquired in the future for a state museum. (1957, c. 376, § 1.)

Sec. 8-B. Maintenance.—The department of economic development shall operate and maintain the state museum; shall supervise, maintain, develop, collect and display items for the purpose of educating the general public on the historical values of Maine's cultural and natural resources, including gifts to the state.

All displays and exhibits used in the former state museum, if available and in good condition, shall be returned to the state and used under the direction and supervision of the department. (1957, c. 376, § 1.)

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. (1955, c. 471, § 1.)

Persons of Baltic Origin.

Sec. 10. Statement of policy.—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. (1955, c. 471, § 1.)

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 of this State of such displaced persons of Baltic origin who are able to buy, or who may have bought for them, private property within the state owned by private persons. (1955, c. 471, § 1.)

Chapter 38-B.

Maine Industrial Building Authority Act.

Editor's note.—P. L. 1957, c. 421, adding this chapter, provided in section 2 thereof as follows:

"Sec. 2. Appropriation. For the establishment of the mortgage insurance fund, there is hereby appropriated \$500,000 from the unappropriated surplus of the general fund.

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved." Approved October 31, 1957.

P. L. 1957, supplements the Enabling

Act. — Chapter 430 of P. L. 1957 supplements the M. I. B. A. Enabling Act, P. L. 1957, chapter 421 in matters of detail and has no life or purpose apart from the Enabling Act. *Martin v. Maine Savings Bank*, 154 Me. 259, 147 A. (2d) 131.

General plan not altered by chapter 430.—The general plan established by the legislature in the Enabling Act is not altered by chapter 430. *Martin v. Maine Savings Bank*, 154 Me. 259, 147 A. (2d) 131.

Sec. 1. Title.—This chapter shall be known and may be cited as the "Maine Industrial Building Authority Act." (1957, c. 421, § 1.)

Sec. 2. Purpose.—It is declared that there is a state-wide need for new industrial buildings to provide enlarged opportunities for gainful employment by the people of Maine and to thus insure the preservation and betterment of the economy of the state and its inhabitants. It is further declared that there is a need to stimulate a larger flow of private investment funds from banks, investment houses, insurance companies and other financial institutions including pension and retirement funds, to help satisfy the need for housing industrial expansion. Therefore, the Maine industrial building authority is created to encourage the making of mortgage loans for the purpose of furthering industrial expansion in the state. (1957, c. 421, § 1.)

Sec. 3. Credit of state pledged.—The Maine industrial building authority is authorized to insure the payment of mortgage loans, secured by industrial projects, and to this end the faith and credit of the state is hereby pledged.