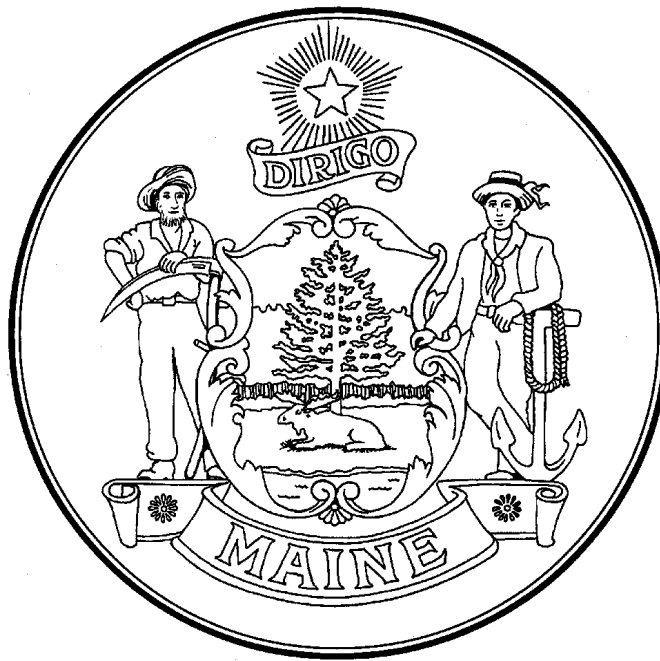


MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTY-SECOND LEGISLATURE

FIRST REGULAR SESSION
December 4, 2024 to March 21, 2025

FIRST SPECIAL SESSION
March 25, 2025 to June 25, 2025

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NONEMERGENCY LAWS IS
JUNE 20, 2025

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NONEMERGENCY LAWS IS
SEPTEMBER 24, 2025

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2025

adopted under this subsection may permit a variance from a ~~set-back~~ setback requirement only when strict application of the zoning ordinance to the petitioner and the petitioner's property would cause undue hardship. The term "undue hardship" as used in this subsection means:

- A. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
- B. The granting of a variance will not alter the essential character of the locality;
- C. The hardship is not the result of action taken by the applicant or a prior owner;
- D. The granting of the variance will not substantially reduce or impair the use of abutting property; and
- E. That the granting of a variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.

An ordinance adopted under this subsection is strictly limited to permitting a variance from a ~~set-back~~ setback requirement for a ~~single-family~~ dwelling that is the primary year-round residence of the petitioner. A variance under this subsection may not exceed 20% of a ~~set-back~~ setback requirement and may not be granted if the variance would cause the area of the dwelling to exceed the maximum permissible lot coverage. An ordinance may allow for a variance under this subsection to exceed 20% of a ~~set-back~~ setback requirement, except for minimum setbacks from a wetland or water body required within shoreland zones by rules adopted pursuant to Title 38, chapter 3, subchapter 1, article 2-B, if the petitioner has obtained the written consent of an affected abutting landowner.

See title page for effective date.

CHAPTER 264

H.P. 775 - L.D. 1170

An Act to Make the Maine Redevelopment Land Bank Authority Responsible for the Transfer and Development of State-owned Surplus Land

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

Sec. 1. 5 MRSA §1742, sub-§23, as amended by PL 2017, c. 234, §1, is further amended to read:

23. Inventory of land. To ~~periodically~~ annually inventory all land owned by any state agency or semiautonomous state agency, and, together with other state agencies and semiautonomous state agencies, deter-

mine land that is needed by state agencies or semiautonomous state agencies for other uses and land that is surplus. Prior to offering any land for sale, the commissioner shall review with the ~~Maine State Housing Authority~~ Maine Redevelopment Land Bank Authority and other state agencies and semiautonomous state agencies the information derived from the inventory. For the purposes of this subsection, "semiautonomous state agency" has the same meaning as in section 1972, subsection 9.

~~A. By February 1, 1988, the commissioner shall provide an initial report on the status of the land inventory to the joint standing committees of the Legislature having jurisdiction over economic development; state and local government; and appropriations and financial affairs.~~

A-1. The department shall annually send the inventory to the Maine Redevelopment Land Bank Authority and to the joint standing committee of the Legislature having jurisdiction over economic development matters.

B. Notwithstanding any ~~other~~ provision of law to the contrary, the procedure for the distribution of surplus state property for the purpose of this subsection ~~shall take~~ takes priority over any other procedure for the disbursement of surplus state land.

C. ~~Nothing in this~~ This subsection ~~shall~~ may not be construed to pertain to public reserved lands ~~which that~~ are exempt from this subsection.

D. The department shall work closely with the ~~Maine State Housing Authority~~ Maine Redevelopment Land Bank Authority to develop a procedure by which surplus state-owned land and structures are held in trust for the purpose set forth in this section and Title 30-A, chapter 201, subchapter 3-A;

Sec. 2. 30-A MRSA §4754, sub-§3, as amended by PL 2017, c. 234, §24, is further amended to read:

3. State-owned property. The ~~Maine State Housing Authority~~ Maine Redevelopment Land Bank Authority may use surplus state-owned property pursuant to this subchapter and Title 5, section 1742, subsection 23 to achieve the purpose of this ~~article~~ subchapter.

Sec. 3. 30-A MRSA §4754-A, as enacted by PL 1989, c. 914, §5, is amended to read:

§4754-A. First option to purchase surplus lands

All state agencies shall offer the ~~Maine State Housing Authority~~ Maine Redevelopment Land Bank Authority the opportunity to purchase or otherwise acquire any land and improvements on the land or any structures determined to be surplus before the property may be offered for sale or transfer to any other state agency, community or other buyer or transferee. Notice of availability must be provided in writing to the ~~Director~~

executive director of the ~~Maine State Housing Authority~~ Maine Redevelopment Land Bank Authority.

1. Notification of interest. The ~~Maine State Housing Authority~~ Maine Redevelopment Land Bank Authority shall advise the owner agency in writing of its interest in purchasing or otherwise acquiring the surplus land and any improvements on the land or surplus structures or of its decision not to purchase or otherwise acquire any such surplus property within 30 days of receipt of the notification by the ~~Director~~ executive director of the Maine State Housing Authority Maine Redevelopment Land Bank Authority.

2. Purchase price. If the ~~Maine State Housing Authority~~ Maine Redevelopment Land Bank Authority offers to purchase the property, the purchase price must be determined as follows.

A. The current market value must be determined by an independent appraiser or by agreement between the ~~Maine State Housing Authority~~ Maine Redevelopment Land Bank Authority and the owner agency. The ~~Maine State Housing Authority~~ Maine Redevelopment Land Bank Authority and the owner agency then shall negotiate the ultimate purchase price in good faith in order to achieve the respective goals and mandates of the ~~Maine State Housing Authority~~ Maine Redevelopment Land Bank Authority and the owner agency.

B. The purchase price may not exceed the current market value of the property as determined in paragraph A.

C. If title to the land or improvements carries a requirement that the property be sold at fair market value, then this requirement prevails over the terms of this subsection.

3. Report. The ~~Maine State Housing Authority~~ shall report to the joint standing committee of the Legislature having jurisdiction over housing and economic development matters 90 days after the 2nd anniversary of the effective date of this section on state surplus land purchased under this section together with any recommendations for improvements.

If any land determined to be surplus is located in a community served by a ~~local public~~ municipal housing authority under section 4721, as defined in this Title, the ~~Maine State Housing Authority~~ Maine Redevelopment Land Bank Authority shall offer the first option to purchase the parcel to the ~~local public~~ municipal housing authority. The ~~local public~~ municipal housing authority has 45 days to indicate in writing its desire to acquire the parcel. Other offers to purchase the parcel may not be considered until the 45-day period has passed.

Sec. 4. 30-A MRSA §4755, as amended by PL 2017, c. 234, §25, is further amended to read:

§4755. Provide property

The ~~Maine State Housing Authority~~ Maine Redevelopment Land Bank Authority may provide surplus state property below market value pursuant to this subchapter and Title 5, section 1742, subsection 23 to any person, firm or organization that agrees to construct, reconstruct or rehabilitate affordable housing for low-income and moderate-income households and maintain this property for this purpose in a written contract with the ~~Maine State Housing Authority~~ Maine Redevelopment Land Bank Authority.

Sec. 5. 30-A MRSA §4756, as enacted by PL 1989, c. 48, §§3 and 31, is amended to read:

§4756. Rules

The Maine State Housing Authority shall adopt ~~routine technical~~ rules in accordance with the ~~Maine Administrative Procedure Act~~, Title 5, chapter 375, subchapter 2-A to implement this subchapter sections 4751, 4752 and 4753, including eligibility standards for financing under this subchapter sections 4751, 4752 and 4753. The Maine Redevelopment Land Bank Authority shall adopt routine technical rules in accordance with Title 5, chapter 375, subchapter 2-A, to implement sections 4754, 4754-A and 4755, including eligibility standards for financing under sections 4754, 4754-A and 4755.

Sec. 6. 30-A MRSA §5157, sub-§1, ¶D, as enacted by PL 2021, c. 664, §3, is amended to read:

D. Property that is environmentally hazardous; ~~and~~

Sec. 7. 30-A MRSA §5157, sub-§1, ¶E, as enacted by PL 2021, c. 664, §3, is repealed and the following enacted in its place:

E. Property that a state, federal, municipal or other governmental entity has determined is surplus or that it does not have the capacity to redevelop; and

Sec. 8. 30-A MRSA §5157, sub-§1, ¶F is enacted to read:

F. Property determined to be surplus land under Title 5, section 1742, subsection 23 and chapter 201, subchapter 3-A.

See title page for effective date.

CHAPTER 265

H.P. 820 - L.D. 1245

An Act to Establish a Fund and Council to Support Working Waterfronts

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

Sec. 1. 5 MRSA §3207 is enacted to read: