

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1249

S. P. 389

In Senate, March 24, 1975

Approved by a Majority of the Committee on Reference of Bills pursuant to Joint Rule No. 10. Referred to Committee on Legal Affairs. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Merrill of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT to Amend the Portland Renewal Authority Law.

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

Sec. 1. P&SL, 1951, c. 217, § 3, sub-§ (g), ¶ 2, is amended to read:

2. An area **whether improved or unimproved** which, by reason of the predominance of defective or inadequate street layout; or faulty lot layout in relation to size, adequacy, accessibility or usefulness; or insanitary or unsafe conditions; or deterioration of site or other improvements; or diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title; or improper subdivision or obsolete platting; or mixture of incompatible land uses; or the existence of conditions which endanger life or property by fire and other causes; or any combination of such factors, substantially impairs or arrests the sound growth of the municipality, or constitutes an economic or social liability and is a menace to the public health, safety, morals or welfare in its present condition and use.

Sec. 2. P&SL 1951, c. 217, § 3, sub-§ (i), ¶ (4) is enacted to read:

(4) **To engage in programs of structural rehabilitation.**

Sec. 3. P&SL 1951, c. 217, § 3, sub-§ (m), as last amended by P&SL 1961, c. 141, is further amended to read:

(m) "Real property" shall include all lands **unimproved or** with the buildings or structures thereon, or buildings and structures alone not including the land upon which located, but including an easement over, through and

upon such land for such period of time as the Authority shall deem necessary for clearance, renewal or rehabilitation of such buildings or structures, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest and right, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise and the indebtedness secured by such liens.

Sec. 4. P&SL 1951, § 5, sub-§ (f) is amended to read:

(f) To borrow, to lend and to grant money and to apply for and accept advances, loans, grants, contributions and any other form of financial assistance from the Federal Government, the State, the City of Portland, or other public body or from any sources, public or private, for the purposes of this law, to give such security as may be required and to enter into and carry out contracts in connection therewith; and the Authority may include in any contract for financial assistance with the Federal Government for a redevelopment project, such conditions imposed pursuant to federal law as the authority may deem reasonable and appropriate and which are not inconsistent with the purposes of this law.

Sec. 5. P&SL 1951, c. 217, § 5, sub-§ (1) is enacted to read:

(1) To plan and carry out programs of structural rehabilitation.

Sec. 6. P&SL 1951, c. 217, § 6, sub-§ (i), 1st sentence, is amended to read:

A redevelopment plan may be modified at any time by the Authority; provided that, if modified after the lease or sale of real property in the redevelopment project area, the modification must be consented to by the redeveloper or redevelopers of such real property or his successor, or their successors in interest adversely affected by the proposed modification.

Sec. 7. P&SL 1951, c. 217, § 7, sub-§ (b), 1st, 4th and 6th sentences, are amended to read:

The Authority shall, by public notice by publication once each week for 2 consecutive weeks in a newspaper published in the City of Portland, or, if there be no such newspaper, by posting such notice in at least 3 public places within the community, prior to the consideration of any private redevelopment contract proposal, invite proposals from, and make available all pertinent information to private redevelopers or any persons interested in undertaking the redevelopment of an area, or any part thereof, which the city council has declared to be in need of redevelopment.

The Authority may accept such redevelopment contract proposal as it deems to be in the public interest and in furtherance of the purposes of this law, provided that the city council has approved by resolution the ~~acceptance of such redevelopment contract proposal~~ land sales contract.

In its discretion, the Authority may, without regard to the foregoing provisions of this subsection, dispose of real property in a redevelopment project area to private redevelopers for redevelopment under such reasonable com-

petitive bidding procedures as the city council may prescribe or approve, subject to the approval of the ~~redevelopment contract proposal by resolution of the city council~~ land sales contract.

Sec. 8. P&SL 1951, c. 217, § 10, sub-§ (c) is amended to read:

(c) Bonds of the Authority shall be authorized by its resolution and may be issued in one or more series and shall bear such date or dates, be payable upon demand or mature at such time or times, bear interest at such rate or rates, ~~not exceeding 6% per year~~ be in such denomination or denominations, be in such form either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption, with or without premium, as such resolution, its trust indenture or mortgage may provide.

Sec. 9. P&SL 1951, c. 217, § 23, 3rd sentence, as enacted by P&SL 1955, c. 94, § 1, is amended to read:

For this purpose, "rehabilitation or conservation work" may include (1) carrying out plans for a program of voluntary repair and rehabilitation of buildings or other improvements, **including loans or grants from the Authority for property rehabilitation**; (2) acquisition of real property and demolition or removal of buildings and improvements thereon where necessary to eliminate unhealthful, unsanitary, dangerous or unsafe conditions, lessen density, reduce traffic hazards, eliminate uses detrimental to the public welfare, or to otherwise remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities in such an urban renewal project; (3) installation, construction, or reconstruction of streets, utilities, parks, playgrounds and other improvements necessary for carrying out the objectives of the urban renewal project; and (4) the disposition, for uses in accordance with the objectives of the urban renewal project, of any property or part thereof acquired in the area of such project; provided that such disposition shall be in the manner hereinbefore prescribed in this law for the disposition of property in a redevelopment project area.

Sec. 10. P&SL 1951, c. 217, § 33 is enacted to read:

Sec. 33. Power to contract with municipalities to carry out federal grant activities. Notwithstanding any other provisions in this law, the Portland Renewal Authority is hereby granted the additional authority to contract with and carry out programs for the City of Portland or any other municipality where such programs are funded wholly or in part by federal grants made available to said city or municipality either directly or through a state agency and in so doing the powers of the Authority shall be limited only by the terms of said contract, and the Housing and Community Development Act of 1974 (Public Law 93-383) and its implementing regulations as amended from time to time.

STATEMENT OF FACT

The amendments herein remove the 6% interest ceiling on Authority bonds, clarify and expand the Authority's powers to effect (1) property rehabilita-

tion and (2) acquisition of open land, authorizes the Authority to carry out additional federally funded activities, and correct minor defects in the statute. The interest rate amendment is a result of higher rates of interest currently charged in the marketplace. The rehabilitation and open land amendments and the authority contained in Section 33 are responsive to the newly passed Public Law 93-383, the Housing and Community Development Act of 1974. Enactment of this bill will affect only the City of Portland, Maine.