

MAINE STATE LEGISLATURE

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(EMERGENCY)
FIRST SPECIAL SESSION

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 2060

H. P. 1882

House of Representatives, January 22, 1976

Referred to Committee on Local and County Government. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. MacEachern of Lincoln.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SIX

AN ACT to Clarify Municipal Development Authority.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, legislation enacted by the 107th Legislature authorizing municipalities to carry out projects funded by the Federal Government under the Housing and Community Development Act of 1974 may be interpreted as authorizing projects related only to housing; and

Whereas, although the federal legislation relates primarily to housing, a number of Maine communities are desirous of undertaking projects not related to housing and not funded by the Federal Government; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 30 MRSA § 4852, sub-§ 2, first sentence, as enacted by PL 1975, c. 389, § 1, is amended to read:

Community development program shall mean a program adopted by a municipality pursuant to this subchapter which shall have as its primary objective the development of a viable community by providing decent housing, a suitable living environment and an expansion of economic opportunity

principally for persons of low and moderate income, by **expanding economic opportunity or by providing public facilities.**

Sec. 2. 30 MRSA § 4852, sub-§ 2, last sentence, as enacted by PL 1975, c. 389, § 1, is amended to read:

Such program shall conform to the municipality's comprehensive plan ~~and to the requirements of Title 1 of the Housing and Development Act of 1974.~~

Sec. 3. 30 MRSA § 5326, sub-§ 2, as amended by PL 1969, c. 340, § 1, is further amended to read:

2. Industrial-commercial project. "Industrial-commercial project" means any building, structure, machinery, equipment or facilities, including transportation equipment or facilities, which may be deemed necessary for manufacturing, processing, assembling, storing, distributing, **retailing** or receiving raw materials or manufactured products, or research, or for public accommodation including but not limited to lodging, dining or conventions, together with all lands, property, rights, rights-of-way, franchises, easements and interests in lands which may be acquired by the municipality for the construction or operation of such project.

STATEMENT OF FACT

The purpose of this Act is to clarify authority of municipalities to carry out development and redevelopment projects that are not providing low and middle income housing. While that is the primary objective in the Federal Housing and Community Development Act, it need not be a limiting factor on Maine communities if they do not wish to use federal community funds. If federal funds are used, the local Community Development Program has to comply with federal law whether the State requires it or not.