

MAINE STATE LEGISLATURE

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L.D. 1694

Date: 4/7/22

(Filing No. H-957)

Majority

**INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND
BUSINESS**

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1259, L.D. 1694, "An Act To Create the
Maine Redevelopment Land Bank Authority"

Amend the bill by striking out everything after the enacting clause and inserting the
following:

Sec. 1. 5 MRSA §12004-G, sub-§7-G is enacted to read:

7-G.

<u>Economic</u>	<u>Maine Redevelopment Land Bank</u>	<u>Expenses Only</u>	<u>30-A MRSA</u>
<u>Development</u>	<u>Authority</u>		<u>§5154</u>

Sec. 2. 5 MRSA §12004-I, sub-§6-J is enacted to read:

6-J.

<u>Economic</u>	<u>Development Ready Advisory</u>	<u>Expenses Only</u>	<u>30-A MRSA</u>
<u>Development</u>	<u>Committee</u>		<u>§5161</u>

Sec. 3. 30-A MRSA c. 204 is enacted to read:

CHAPTER 204

MAINE REDEVELOPMENT LAND BANK AUTHORITY

§5151. Title

This chapter may be known and cited as "the Maine Redevelopment Land Bank Act."

§5152. Findings and declaration of necessity

COMMITTEE AMENDMENT

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The Legislature finds and declares that:

1. Blighted, abandoned, environmentally hazardous and functionally obsolete property burdens public resources. There exist areas in the State in need of economic revitalization where blighted, abandoned and environmentally hazardous property and property that is both functionally obsolete and unfit to be repurposed for another use present burdens on municipal revenues and public health and safety;

2. Need for revitalization. In order to strengthen and revitalize the economy of the State and municipalities, it is in the best interest of the State to assemble and dispose of blighted, abandoned and environmentally hazardous property and property that is both functionally obsolete and unfit to be repurposed for another use in a coordinated manner to foster development of that property and promote economic growth;

3. Coordinated development of blighted, abandoned, environmentally hazardous and functionally obsolete property serves the public interest. The planning and preparation for revitalizing the economy through the acquisition of blighted, abandoned and environmentally hazardous property and property that is both functionally obsolete and unfit to be repurposed for another use using public money are a governmental concern and serve a valid public purpose;

4. Facilitate coordinated redevelopment of blighted, abandoned, environmentally hazardous and functionally obsolete property. The establishment of the redevelopment authority is necessary to facilitate the relief of the conditions described in this section by assisting public entities, including, but not limited to, municipalities, counties, regional planning organizations and state agencies, in the redevelopment of blighted, abandoned and environmentally hazardous property and property that is both functionally obsolete and unfit to be repurposed for another productive use; and

5. Municipalities, counties and unorganized territories have properties that they cannot restore to productive use due to a variety of technical or financial issues. The establishment of the redevelopment authority is necessary to provide technical and financial assistance to local governments upon request for the purpose of returning to productive use blighted, abandoned, environmentally hazardous and functionally obsolete property, including property acquired by a municipality through the municipal foreclosure process.

§5153. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Abandoned. "Abandoned" with reference to a property means a property that is vacant and to which the owner has no intent to return.

2. Blighted. "Blighted" with reference to a property means a property on which buildings or improvements are detrimental or are a threat to the public health, safety or welfare in their present condition.

3. Environmentally hazardous. "Environmentally hazardous" with reference to a property means a property that is designated as an uncontrolled hazardous substance site under Title 38, section 1365.

1 **4. Functionally obsolete.** "Functionally obsolete" with reference to a property means
2 a property that is unable to be used to adequately perform the functions for which it was
3 intended.

4 **§5154. Maine Redevelopment Land Bank Authority established; purpose**

5 The Maine Redevelopment Land Bank Authority, as established in Title 5, section
6 12004-G, subsection 7-G and referred to in this chapter as "the redevelopment authority,"
7 is a body corporate and politic and a public instrumentality of the State.

8 The purpose of the redevelopment authority is to assist municipalities and other entities
9 in this State in the redevelopment of properties identified as eligible under section 5157,
10 subsection 1 in order to return those properties to productive use.

11 The purposes of this chapter are public and the redevelopment authority is performing
12 a governmental function in carrying out this chapter.

13 **§5155. Appointment; qualifications and tenure**

14 **1. Members appointed by the Governor.** The Governor shall appoint 9 members to
15 serve as commissioners of the redevelopment authority subject to review and confirmation
16 by the joint standing committee of the Legislature having jurisdiction over economic and
17 community development matters. These members must include:

18 A. A resident of the State who is a real estate broker licensed by the Real Estate
19 Commission pursuant to Title 32, section 13003;

20 B. A resident of the State who is responsible for community redevelopment as an
21 employee of a state-chartered bank;

22 C. A resident of the State from each of the 2 congressional districts;

23 D. A full-time municipal economic and community development director in the State;

24 E. A full-time planning professional employed by an urban or regional planning
25 organization in the State;

26 F. A person with experience in the field of preservation of historic property;

27 G. A person with experience in environmental remediation of commercial property;
28 and

29 H. A person with experience in the development of residential communities and
30 housing development.

31 **2. Term of office.** The commissioners of the redevelopment authority appointed under
32 subsection 1 serve 3-year terms, except that the Governor shall initially appoint 2
33 commissioners for a term of one year, 3 commissioners for a term of 2 years and 4
34 commissioners for a term of 3 years. A vacancy is filled by appointment for the remainder
35 of the unexpired term. Commissioners whose terms expire serve until their successors are
36 appointed and confirmed. Commissioners may serve no more than 2 full consecutive
37 terms.

38 **3. Ex officio members.** The following serve as ex officio, nonvoting members of the
39 redevelopment authority:

40 A. The Commissioner of Economic and Community Development or the
41 commissioner's designee;

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- 1 B. The Commissioner of Environmental Protection or the commissioner's designee;
- 2 C. The Commissioner of Transportation or the commissioner's designee;
- 3 D. The Director of the Maine State Housing Authority or the director's designee; and
- 4 E. The Director of the Maine Historic Preservation Commission or the director's
- 5 designee.

6 **4. Organization.** The redevelopment authority shall select a chair and a vice-chair
7 from among its voting members and adopt bylaws to govern procedures. The
8 redevelopment authority shall hire an executive director and may hire staff and employ
9 counsel as necessary.

10 **§5156. Maine Redevelopment Land Bank Fund; sources of funding**

11 The Maine Redevelopment Land Bank Fund, referred to in this chapter as "the fund,"
12 is established as a dedicated nonlapsing fund to support the purposes of the redevelopment
13 authority. Fees collected pursuant to Title 38, section 2203-A, subsection 2-A must be
14 deposited into the fund. Other sources of funding may include, but are not limited to, state
15 or federal funds received by the redevelopment authority to support community
16 redevelopment. Unless otherwise specified, money received by the redevelopment
17 authority for the express purpose of acquiring or developing property in accordance with
18 this chapter must be deposited into the fund.

19 **§5157. Eligible properties; exemption of certain properties**

20 **1. Eligible properties.** The redevelopment authority may acquire property through
21 an agreement under section 5158, subsection 4, which may include:

22 A. Property that the redevelopment authority has determined is abandoned as
23 demonstrated by a totality of evidence including, but not limited to, the following:

- 24 (1) Doors and windows on the property are boarded up, broken or continuously left
25 unlocked;
- 26 (2) Rubbish, trash or debris has accumulated on the property;
- 27 (3) Furnishings and personal property are absent from the property;
- 28 (4) The buildings or improvements on the property are deteriorating so as to
29 constitute a threat to public health or safety;
- 30 (5) Gas, electric or water service to the property has been terminated or utility
31 consumption is so low that it indicates the property is not regularly occupied;
- 32 (6) A mortgagee has changed the locks on the property and neither the mortgagor
33 nor anyone on the mortgagor's behalf has requested entrance to, or taken other steps
34 to gain entrance to, the property;
- 35 (7) Reports of trespass, vandalism or other illegal acts being committed on the
36 property have been made to local law enforcement authorities;
- 37 (8) A code enforcement officer or other public official has made a determination
38 or finding that the property is abandoned or unfit for occupancy;
- 39 (9) The mortgagor is deceased and there is no evidence that an heir or personal
40 representative has taken possession of the property; or

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(10) Other reasonable signs of abandonment:

B. Property that the redevelopment authority has determined is blighted because of:

(1) Dilapidation, deterioration, age or obsolescence;

(2) Inadequate provision for ventilation, light, air, sanitation or open spaces;

(3) High density of population and overcrowding;

(4) Tax or special assessment delinquency exceeding the fair value of the land;

(5) The existence of conditions that endanger life or property; or

(6) Any combination of the factors described in subparagraphs (1) to (5);

C. Property that the redevelopment authority has determined is functionally obsolete due to a substantial loss in value resulting from factors such as overcapacity, changes in technology, deficiencies or superadequacies in design or other similar factors that affect the property itself or the property's relationship with other surrounding property;

D. Property that is environmentally hazardous; and

E. Property that a municipality or county has determined is not within the capacity of the municipality or county to redevelop and for which the municipality or county has requested the assistance of the redevelopment authority.

2. Exemption. Notwithstanding any provision of this chapter to the contrary, the redevelopment authority may not:

A. Acquire land or other natural resources owned by a federally recognized Indian tribe or owned by the United States for the benefit of a federally recognized Indian tribe;

B. Acquire land the majority of which is unimproved or is not integral to the redevelopment of the property; or

C. Acquire property that is an active or former military facility that qualifies for inclusion in the Defense Environmental Restoration Program under 10 United States Code, Section 2701.

§5158. Powers and duties generally

The redevelopment authority has the following powers and duties:

1. Suit. To sue and be sued;

2. Seal. To adopt an official seal;

3. Office. To maintain an office at a place designated by the redevelopment authority within the State;

4. Agreements with public entities. To enter into agreements with public entities, including, but not limited to, municipalities, counties, regional planning organizations, state agencies and municipal or regionally organized land banks in order to effectuate the purposes of this chapter. Agreements may include the acquisition of property or rights in property from a municipality or county whose governing unit declares the need for such an agreement;

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1 5. Agreements with federal agencies. To enter into agreements with federal agencies
2 related to funding of the redevelopment of property acquired in accordance with this
3 chapter;

4 6. Assistance. To provide assistance, by request, to entities in the State engaged in
5 redevelopment activities by using the best practices adopted by the Development Ready
6 Advisory Committee under section 5161;

7 7. Application for funding. To apply for grants, loans and other financial assistance
8 from state or federal government programs for redevelopment projects consistent with this
9 chapter;

10 8. Bonds. To issue revenue bonds as provided in section 5160;

11 9. Eminent domain. To acquire in a municipality, through an agreement with a
12 municipality or county, eligible property by the exercise of the power of eminent domain
13 as provided in section 5159;

14 10. Rules. To adopt rules for the purposes of carrying out this chapter. Rules adopted
15 pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375,
16 subchapter 2-A; and

17 11. Other functions. To perform other functions necessary or useful for carrying out
18 any of its powers, duties or purposes.

19 **§5159. Eminent domain**

20 The redevelopment authority may acquire all or any part of real property in accordance
21 with this chapter by the exercise of the power of eminent domain whenever the
22 redevelopment authority determines that the acquisition of the real property is in the public
23 interest or necessary for the purposes of this chapter.

24 1. Resolution; documents filed; damages determined. The necessity of an
25 acquisition under this section is conclusively presumed upon the redevelopment authority's
26 adoption of a resolution declaring that the acquisition of the real property described in the
27 resolution is in the public interest and necessary for the purposes of this chapter.

28 A. Within 3 months after a resolution is adopted under this subsection, the
29 redevelopment authority shall file in the registry of deeds of the county in which the
30 real property is located:

31 (1) A copy of the redevelopment authority's resolution;

32 (2) A plat of the real property described; and

33 (3) A statement, signed by the chair of the redevelopment authority, that the real
34 property is taken under this chapter.

35 B. After the documents are filed under paragraph A, the redevelopment authority shall
36 determine the damages for the real property taken in the same manner as is provided
37 for land taken for highway purposes under Title 23, chapter 3 and shall file a statement
38 of this determination in the appropriate Superior Court.

39 2. Title vests in redevelopment authority; bonds deposited. Title to real property
40 under this section vests in the redevelopment authority in fee simple absolute and the
41 redevelopment authority may take possession of the real property when:

1 A. The copy of the resolution, plat and statement is filed in the registry of deeds;

2 B. The statement is filed in the Superior Court; and

3 C. Bonds, to the use of persons entitled to them, are deposited in the Superior Court
4 with surety satisfactory to the clerk of the court in the amounts that the court determines
5 to be sufficient to satisfy the claims of all persons interested in the real property. The
6 court may, in its discretion, take evidence on the question to determine the amounts of
7 the bonds to be deposited.

8 **3. Service on owners; nonresidents; unknown owners.** After the copy, plat and
9 statement are filed under subsection 1, paragraph A, a sheriff or a sheriff's deputy shall
10 serve notice of the taking of the real property upon the owner of the real property by
11 delivering a true and attested copy of the description and statement under subsection 1 to
12 the owner personally or at the owner's last and usual place of abode in the State or to a
13 person living there.

14 A. If an owner is not a resident of the State, a true and attested copy of the notice must
15 be sent by registered mail, return receipt requested, to the owner at the owner's last
16 known address.

17 B. If the ownership of the real property cannot be ascertained after due and diligent
18 search, an award must be made to persons unknown for the value of the real property
19 and bonds for that amount running to the treasurer of the county for the use of persons
20 entitled to the bonds must be deposited in the Superior Court. If, within 2 years after
21 the bonds are deposited, no person has been able to prove ownership of the real
22 property, the Superior Court shall order these bonds to be cancelled and returned to the
23 redevelopment authority.

24 **4. Notice published.** After the resolution, plat and statement are filed under subsection
25 1, paragraph A, the redevelopment authority shall publish a copy of the resolution and
26 statement in a newspaper having general circulation in the county at least once a week for
27 3 successive weeks. The statement must set forth the names of the owners of the real
28 property to be taken and the amount awarded to them.

29 **5. Agreement and cancellation of bonds.** When an owner of real property taken under
30 this section agrees with the redevelopment authority on the price of the real property and
31 the sum agreed upon is paid by the redevelopment authority, the court shall order the bonds
32 deposited under subsection 2, paragraph C to be cancelled and returned to the
33 redevelopment authority.

34 **6. Complaint to Superior Court; trial.** An owner of real property taken under this
35 section who cannot agree with the redevelopment authority on the price of the real property
36 may within 3 months after personal notice of the taking or, if the owner has no personal
37 notice, within one year from the first publication of the copy of the resolution and statement
38 under subsection 4 apply by complaint to the Superior Court in the applicable county,
39 setting forth the taking of the real property and petitioning for an assessment of damages
40 by a jury or, by agreement of the parties, a referee or referees appointed by the court.

41 A. When a complaint is filed under this subsection, the court shall give 20 days' notice
42 of the pendency of the action to the redevelopment authority by serving the chair of the
43 redevelopment authority with a certified copy of the complaint. The court may proceed
44 after this notice to the trial of the action. The trial must determine all questions of fact

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1 relating to the value and the amount of the real property, and judgment must be entered
2 upon the verdict of the jury. Execution must be issued for that judgment against the
3 money deposited in the court under subsection 2, paragraph C.

4 **7. Conflicting ownership.** If the redevelopment authority is in doubt as to conflicting
5 ownership or interest, the redevelopment authority may file a complaint in the Superior
6 Court for a determination of the various rights and amounts due. If 2 or more conflicting
7 plaintiffs claim the same real property or different interests in the same parcel of real
8 property, the court, upon motion, shall consolidate their several complaints for trial at the
9 same time by the same jury and may frame all necessary issues for the trial of that action.

10 **8. Appeal.** Appeal from the decision of the Superior Court may be made in the same
11 manner as is provided for appeals in civil cases.

12 **9. Property of incapable persons.** If any real property in which a person not capable
13 in law to act in the person's own behalf is interested is taken by the redevelopment authority
14 under this chapter, the Superior Court, upon the filing of any complaint by or in behalf of
15 the person, may appoint a guardian ad litem for the person. This guardian may appear and
16 be heard on behalf of the person and may, with the advice and consent of the Superior Court
17 and upon any terms that the Superior Court prescribes, release to the redevelopment
18 authority all claims for damages for the real property of the person. Any lawfully appointed,
19 qualified and acting guardian or other fiduciary of the estate of such a person, with the
20 approval of the Probate Court having jurisdiction to authorize the sale of real property
21 within the State of the person, may, before the filing of any such complaint, agree with the
22 redevelopment authority upon the amount of damages suffered by the person by any taking
23 of real property and may, upon receiving that amount, release to the redevelopment
24 authority all claims for damages of the person for the taking.

25 **10. Expediting proceedings; taking public property.** In any proceedings for the
26 assessment of compensation and damages for real property taken or to be taken by eminent
27 domain by the redevelopment authority, the following provisions apply.

28 A. At any time during the pendency of the action or proceedings, the redevelopment
29 authority or an owner may apply to the court for an order directing the redevelopment
30 authority or the owner to show cause why further proceedings should not be expedited.
31 Upon this application, the court may order that the hearings proceed and that any other
32 steps be taken with all possible expedition.

33 B. If any of the real property taken or to be taken is devoted to a public use, it may
34 nevertheless be acquired, and the taking is effective, except that no real property
35 belonging to the municipality or to any other government may be acquired without its
36 consent and that real property belonging to a public utility corporation may not be
37 acquired without the approval of the Public Utilities Commission or an officer or
38 tribunal having regulatory power over that corporation.

39 C. Any real property already acquired by the redevelopment authority may nevertheless
40 be included within this taking for the purpose of acquiring any outstanding interests in
41 the real property.

42 **§5160. Bonds**

43 **1. Authorization.** The redevelopment authority may provide by resolution for the
44 issuance of bonds for the purpose of funding the Maine Redevelopment Land Bank Fund.

1 or any successor to the fund. The bonds of the redevelopment authority do not constitute a
2 debt or liability of the State or of any agency or political subdivision of the State other than
3 the redevelopment authority but are payable solely from the revenue of the redevelopment
4 authority, and neither the faith nor credit nor taxing power of the State or any political
5 subdivision of the State is pledged to payment of the bonds. Notwithstanding any provision
6 of law to the contrary, bonds issued pursuant to this chapter are fully negotiable. If a
7 commissioner of the redevelopment authority whose signature appears on any bonds or
8 coupons ceases to be a commissioner of the redevelopment authority before the delivery of
9 those bonds or coupons, that signature is valid and sufficient for all purposes as if that
10 commissioner had remained a commissioner until delivery.

11 **2. General characteristics.** The redevelopment authority may, by resolution, provide:

12 A. The manner of executing bonds and coupons;

13 B. The form and denomination of bonds and coupons;

14 C. Maturity dates;

15 D. Interest rates on bonds and coupons;

16 E. For redemption prior to maturity and the premium payable;

17 F. The place or places for the payment of interest and principal;

18 G. For registration if the redevelopment authority determines registration is desirable;

19 H. For the pledge of all or any of the revenue for securing payment;

20 I. For the replacement of lost, destroyed or mutilated bonds;

21 J. For the setting aside and the regulation and disposition of reserve and sinking funds;

22 K. For limitation on the issuance of additional bonds;

23 L. For the procedure, if any, by which the contract with a bondholder may be abrogated
24 or amended;

25 M. For the manner of sale and purchase of bonds;

26 N. For the issuance of bonds in a series; and

27 O. Any other matter relating to the bonds that the redevelopment authority determines
28 appropriate.

29 **3. Liability.** A member or employee of the redevelopment authority or a person
30 executing the bonds may not be liable personally for the bonds or subject to any personal
31 liability by reason of the issuance of the bonds.

32 **4. Trust indenture.** In the discretion of the redevelopment authority, bonds may be
33 secured by a trust indenture by and between the redevelopment authority and a corporate
34 trustee, which may be any trust company or bank having the powers of a trust company,
35 located either within or outside the State. Such a trust indenture may pledge or assign the
36 revenues of the redevelopment authority or any part of it. A trust indenture may set forth
37 the rights and remedies of the bondholders and the trustee, restrict the individual right of
38 action of bondholders and contain such other provisions as the redevelopment authority
39 may consider reasonable and proper for the security of bondholders. Expenses incurred in
40 carrying out any trust indenture may be treated as a part of maintenance.

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1 5. Rights of bondholders. Provisions may be made for protecting and enforcing the
2 rights and remedies of bondholders, including covenants as to acquisition of property,
3 construction, maintenance, operation and repair, insurance and the custody, security and
4 application of all money.

5 6. Depositories. Any trust company or bank having the powers of a trust company and
6 located either within or outside the State may act as a depository of the proceeds of bonds
7 and revenue and may furnish such indemnity or pledge such securities as may be required
8 by the redevelopment authority.

9 7. Tax free. The purposes of this chapter being public and for the benefit of the people
10 of the State, bonds of the redevelopment authority are free from taxation by the State.

11 8. Revenue refunding bonds. The redevelopment authority may issue revenue
12 refunding bonds for the purpose of refunding revenue bonds issued under this chapter. The
13 issuance of any refunding bonds is the same as is provided for in this chapter relating to
14 revenue bonds.

15 9. Default. In the event of default on bonds and in the event the default continues for
16 a period of 3 months, action may be brought to enforce the rights of the bondholders by
17 ensuring that the operation by the redevelopment authority is in conformity with the
18 covenants of the bonds or trust indenture.

19 **§5161. Development Ready Advisory Committee**

20 The Development Ready Advisory Committee, referred to in this section as "the
21 committee," is established pursuant to Title 5, section 12004-I, subsection 6-J to develop
22 and maintain best practices for community development.

23 1. Membership. The members of the committee are as follows:

- 24 A. The executive director of the redevelopment authority;
- 25 B. The Commissioner of Economic and Community Development or the
26 commissioner's designee;
- 27 C. The Commissioner of Transportation or the commissioner's designee;
- 28 D. The Commissioner of Environmental Protection or the commissioner's designee;
- 29 E. The Commissioner of Agriculture, Conservation and Forestry or the commissioner's
30 designee;
- 31 F. The Director of the Maine State Housing Authority or the director's designee;
- 32 G. The Director of the Maine Historic Preservation Commission or the director's
33 designee; and
- 34 H. The following members, selected by and serving at the pleasure of the executive
35 director of the redevelopment authority:

- 36 (1) A representative of a statewide association of municipalities;
- 37 (2) A representative from each regional planning organization in the State;
- 38 (3) A representative of an organization that advocates for the rights of low-income
39 renters and homeowners;

1 (4) A representative of a local or statewide organization promoting civil rights that
2 has racial justice or racial equity as its primary mission; and

3 (5) Two residents of the State with experience in real estate development.

4 **2. Duties.** The committee shall develop best practices for community development
5 intended to support the following goals:

6 A. Assisting communities in preparing for new investment and development that
7 maximize financial return for state and local economies, improve quality of life for
8 local residents, address housing needs for households of all income levels and advance
9 environmental protection and transportation goals and specific locally identified
10 priority needs;

11 B. Assisting communities in designating priority investment areas in consultation with
12 regional planning organizations, including but not limited to village centers,
13 downtowns and adjacent neighborhoods, rural crossroads, high-impact corridors,
14 working waterfronts and rural farmsteads; and

15 C. Ensuring that redevelopment efforts are achievable by communities and based on
16 the merit of the redevelopment project and community commitment to the
17 redevelopment project.

18 **3. Chair and officers.** The members of the committee shall annually elect one of its
19 members as chair and one of its members as vice-chair to set the agenda and schedule
20 meetings. The committee may elect other officers and designate their duties.

21 **4. Voting rights.** Each member of the committee has a vote.

22 **5. Meetings.** The committee shall meet at least twice a year.

23 **6. Quorum.** A majority of the members of the committee constitutes a quorum.

24 **7. Staff support.** The redevelopment authority shall provide staff support to the
25 committee to carry out the purposes of this section.

26 **§5162. Biennial report**

27 **1. Biennial report.** The redevelopment authority shall submit biennially, beginning
28 with the Second Regular Session of the 131st Legislature, to the joint standing committee
29 of the Legislature having jurisdiction over economic development matters a complete
30 report on the activities of the redevelopment authority. The report must include the
31 following:

32 A. A description of the redevelopment authority's operations;

33 B. A listing of all property acquired pursuant to this chapter;

34 C. An accounting of all activities related to the fund;

35 D. A listing of any bonds issued during the fiscal year by the redevelopment authority;

36 E. A statement of the redevelopment authority's proposed and projected activities for
37 the ensuing year; and

38 F. Recommendations regarding further actions that may be suitable for achieving the
39 purposes of this chapter.

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Sec. 4. 38 MRSA §2201, as amended by PL 2015, c. 461, §6, is further amended to read:

§2201. Maine Solid Waste Management Fund established

The Maine Solid Waste Management Fund, referred to in this section as "the "fund," is established as a nonlapsing fund to support programs administered by the bureau and the Department of Environmental Protection. The fund must be segregated into 2 subsidiary accounts. The first subsidiary account, called operations, receives all fees established and received under article 1. ~~The~~ Except as provided in section 2203-A, subsection 2-A, the 2nd subsidiary account, called administration, receives all fees established under this article and under Title 36, chapter 719 and all funds recovered by the department as reimbursement for departmental expenses incurred to abate imminent threats to public health, safety and welfare posed by the illegal disposal of solid waste.

Money in the fund not currently needed to meet the obligations of the department or bureau must be deposited with the Treasurer of State to the credit of the fund and may be invested as provided by law. Interest on these investments must be credited to the fund.

Funds deposited in the fund related to administration may be expended only in accordance with allocations approved by the Legislature for administrative expenses directly related to the bureau's and the department's programs, including actions by the department necessary to abate threats to public health, safety and welfare posed by the disposal of solid waste. Funds deposited in the fund related to fees imposed on the disposal of construction and demolition debris and residue from the processing of construction and demolition debris may be expended only for the state cost share to municipalities under the closure and remediation cost-sharing program for solid waste landfills established in section 1310-F. Funds deposited in the fund related to fees imposed under this article may be expended to provide grant funding in accordance with the Maine Solid Waste Diversion Grant Program established in section 2201-B. The department shall, on an annual basis, conduct a review of the revenues presently in the fund and the revenues projected to be added to or disbursed from the fund in upcoming calendar years and determine what amount of revenues, if any, are available to provide grant funding under section 2201-B. If the department determines that there are revenues in the fund available in the upcoming calendar year to provide grant funding under section 2201-B, the department must ensure that such revenues are designated for use in accordance with section 2201-B by the end of that calendar year. Funds deposited in the fund related to operations may be expended only in accordance with allocations approved by the Legislature and solely for the development and operation of publicly owned facilities owned or approved by the bureau and for the repayment of any obligations of the bureau incurred under article 3. These allocations must be based on estimates of the actual costs necessary for the bureau and the department to administer their programs, to provide financial assistance to regional associations and to provide other financial assistance necessary to accomplish the purposes of this chapter. Beginning in the fiscal year ending on June 30, 1991 and thereafter, the fund must annually transfer to the General Fund an amount necessary to reimburse the costs of the Bureau of Revenue Services incurred in the administration of Title 36, chapter 719. Allowable expenditures include "Personal Services," "All Other" and "Capital Expenditures" associated with all bureau activities other than those included in the operations account.

1 **Sec. 5. 38 MRSA §2202, sub-§1**, as amended by PL 1995, c. 465, Pt. A, §73 and
2 affected by Pt. C, §2, is further amended to read:

3 **1. Fees established.** The department shall establish procedures to charge fees
4 specified in this article and pursuant to the requirements of this article. All Except as
5 provided in section 2203-A, subsection 2-A, all fees collected by the department under this
6 article must be deposited into the Maine Solid Waste Management Fund.

7 **Sec. 6. 38 MRSA §2203-A, sub-§2-A** is enacted to read:

8 **2-A. Maine Redevelopment Land Bank Authority fee.** Beginning January 1, 2023,
9 in addition to the per ton fee required in subsection 1, commercial, municipal, state-owned
10 and regional association landfills shall collect and pay to the department a \$3 per ton fee
11 for the disposal of construction and demolition debris and residue from the processing of
12 construction and demolition debris and, notwithstanding section 2202, this fee must be
13 deposited in the Maine Redevelopment Land Bank Fund established by Title 30-A, section
14 5156.

15 **Sec. 7. Appropriations and allocations.** The following appropriations and
16 allocations are made.

17 **MAINE REDEVELOPMENT LAND BANK AUTHORITY**

18 **Maine Redevelopment Land Bank Fund N377**

19 Initiative: Provides allocation to authorize expenditures to support the Maine
20 Redevelopment Land Bank Authority.

21 OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
22 All Other	\$0	\$922,500
23		
24 OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$922,500

25
26 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
27 number to read consecutively.

28 **SUMMARY**

29 This amendment replaces the bill. The amendment establishes the Maine
30 Redevelopment Land Bank Authority, whose purpose is to assist municipalities and other
31 entities in this State in the redevelopment of properties, including properties that are
32 blighted, abandoned, environmentally hazardous and functionally obsolete, in order to
33 return those properties to productive use. The redevelopment authority may acquire
34 property at the request of a municipality or county. The amendment establishes a fund to
35 support the purpose of the redevelopment authority, which includes as a source of revenue
36 a fee on the disposal of construction and demolition debris. The amendment also establishes
37 the Development Ready Advisory Committee within the redevelopment authority in order
38 to develop and maintain best practices for community development and to assist the

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COMMITTEE AMENDMENT "A" to H.P. 1259, L.D. 1694

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redevelopment authority and any other entity that requests assistance with redevelopment matters.

FISCAL NOTE REQUIRED
(See attached)



130th MAINE LEGISLATURE

LD 1694

LR 1528(02)

An Act To Create the Maine Redevelopment Land Bank Authority

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-957)
 Committee: Innovation, Development, Economic Advancement and Business

Fiscal Note Required: Yes

Fiscal Note

	FY 2021-22	FY 2022-23	Projections FY 2023-24	Projections FY 2024-25
Appropriations/Allocations				
Other Special Revenue Funds	\$0	\$922,500	\$1,845,000	\$1,845,000
Revenue				
Other Special Revenue Funds	\$0	\$922,500	\$1,845,000	\$1,845,000

Fiscal Detail and Notes

This bill establishes the Maine Redevelopment Land Bank Authority as an independent agency created to assist municipalities and other entities in the State in the redevelopment of eligible properties in order to return these properties to productive use.

The bill establishes the Maine Redevelopment Land Bank Fund within the authority and revenue from a new fee of \$3 per ton on construction and demolition debris and residue disposed of in a landfill will be credited to the new fund beginning January 1, 2023. Based on the 615,000 tons of material landfilled in 2020, anticipated revenue to the fund will be \$922,500 for half a year in fiscal year 2022-23 and \$1,845,000 annually thereafter. An Other Special Revenue Funds allocation is included in fiscal year 2022-23 to allow expenditure of the new revenues.

Additional costs to the Department of Transportation, the Department of Environmental Protection, the Department of Economic and Community Development, the Maine Historic Preservation Commission and the Maine State Housing Authority associated with serving on the committee can be absorbed within existing budgeted resources.