

MAINE STATE LEGISLATURE

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N I N E T Y - S E V E N T H L E G I S L A T U R E

Legislative Document

No. 1028

H. P. 920

House of Representatives, February 24, 1955.

Referred to Committee on Legal Affairs. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mrs. Files of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-FIVE

**AN ACT Amending the Slum Clearance and Redevelopment Authority in
Portland.**

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

Sec. 1. P. & S. L., 1951, c. 217, amended. Chapter 217 of the private and special laws of 1951 is hereby amended by adding thereto 7 new sections, to be numbered 21 to 27, inclusive, to read as follows:

‘Sec. 21. **Additional findings and declaration of necessity.** It is hereby found and declared that there exist in the City of Portland deteriorated and deteriorating areas (as herein defined) which constitute a serious and growing menace, injurious and inimical to the public health, safety, morals and welfare of the residents of said city of Portland; that these areas are rapidly deteriorating and decaying and may soon become slum or blighted areas (as herein defined) if their decline is not checked; that the conditions and evils hereinbefore found to exist in slum or blighted areas also exist in said deteriorated and deteriorating areas; that this menace is beyond remedy and control solely by regulatory process in the exercise of the police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the aids herein provided; that certain slum, blighted or deteriorated areas may require acquisition and clearance as provided in this law since the prevailing condition of decay may make impracticable the reclamation of the area by conservation or rehabilitation, but certain blighted, deteriorated and deteriorating areas may be susceptible of conservation or rehabilitation in such a manner that the conditions and evils hereinbefore enumerated may be eliminated, remedied or prevented, and to the extent feasible, salvable, blighted, deteriorated or deteriorating areas should be conserved and re-

habilitated through voluntary action, the regulatory process, and the provisions of this law, as amended; and that all powers conferred by this law as amended are for public uses and purposes for which public money may be expended and private property acquired, and that the necessity in the public interest for the provisions of this law, as amended, is hereby declared as a matter of legislative intent.

Sec. 22. Definitions. "Deteriorating area" shall mean an area in which there exist buildings or improvements, which by reason of dilapidation, deterioration, age or obsolescence; or obsolete or inadequate provision for ventilation, light, air, sanitation, open spaces and community facilities; or high density of population and overcrowding; or the existence of conditions which endanger life or property by fire and other causes; or defective or inadequate street layout; or insanitary or unsafe conditions; or any mixture of land uses which contributes to the deterioration of an area; or any combination of such factors, are conducive to the rapid deterioration and decline of such area to the point where it may become a slum or blighted area as defined in this law and conducive to ill health, or transmission of disease or infant mortality, or juvenile delinquency and crime and detrimental to the public health, safety, morals or welfare.

"Deteriorated area" shall mean a deteriorating area in an advanced state of deterioration and decay, but not to the extent of being within the meaning of a blighted area as hereinbefore defined.

Sec. 23. Urban renewal projects. In addition to its authority under any other section of this law, the Slum Clearance and Redevelopment Authority is hereby authorized to plan and undertake urban renewal projects. As used in this law, an urban renewal project may include undertakings and activities for the elimination or for the prevention of the development or spread of slums or blighted, deteriorated or deteriorating areas and may involve any work or undertaking for such purpose constituting a redevelopment project or any rehabilitation or conservation work, or any combination of such undertaking or work. 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; (2) acquisition of real property and demolition or removal of buildings and improvements thereon where necessary to eliminate unhealthful, insanitary, 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. In carrying out the provisions of this law, the Authority shall afford maximum opportunity, consistent with the sound needs of the municipality as a whole, to the redevelopment, rehabilitation or conservation of areas by the owners or by private enterprise.

Sec. 24. Urban renewal plan. Any urban renewal project undertaken pursuant to the preceding section shall be undertaken in accordance with an urban renewal plan for the area of the project. As used in this law, an "urban renewal plan" means a plan, as it exists from time to time, for an urban renewal project, which plan (1) shall conform to the general plan for the City of Portland as a whole; and (2) shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements and rehabilitation as may be proposed to be carried out in the area of the urban renewal project, zoning and planning changes, if any, land uses, maximum densities, building requirements and the plan's relationship to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities and other public improvements. An urban renewal plan shall be prepared and approved pursuant to the same procedure as hereinbefore provided in this law with respect to a redevelopment plan.

Sec. 25. Powers with respect to urban renewal. The Slum Clearance and Redevelopment Authority shall have all the powers necessary to undertake and carry out urban renewal plans and urban renewal projects, including the authority to acquire and dispose of property, to issue bonds and other obligations, to borrow and accept grants from the Federal Government or other source and to exercise the other powers which this law confers on the Authority with respect to redevelopment projects. In connection with the planning and undertaking of any urban renewal plan or urban renewal project, the Authority, the City of Portland and all public and private officers, agencies and bodies shall have all the rights, powers, privileges and immunities hereinbefore provided in this law with respect to a redevelopment plan or redevelopment project.

Sec. 26. Assistance to urban renewal by municipalities and other public bodies. The City of Portland or any other public body is hereby authorized to do any and all things necessary to aid and cooperate in the planning and undertaking of an urban renewal project in the area in which the City of Portland or any other public body is authorized to act, including the furnishing of such financial and other assistance as the City of Portland or any other public body is authorized by this law to furnish for or in connection with a redevelopment plan or redevelopment project. The City of Portland is hereby authorized to enter agreements which may extend over any period, notwithstanding any provision or rule of law to the contrary with any other public body or bodies respecting action to be taken pursuant to any of the powers granted by this law, including the furnishing of funds or other assistance in connection with an urban renewal plan or urban renewal project.

Sec. 27. Workable program. The governing body of the City of Portland, or such public officers of any other public body as the City may designate, is hereby authorized to prepare a workable program, which may include an official plan of action, as it exists from time to time for effectively dealing with the problem of urban slums and blighted, deteriorated or deteriorating areas within the community and for the establishment and preservation of a well-planned community and well-organized residential neighborhoods of decent homes and suitable living environment for adequate family life, for utilizing appropriate private and public resources to eliminate and prevent the develop-

ment or spread of, slums and urban blight and deterioration, to encourage needed urban rehabilitation, to provide for the redevelopment of blighted, deteriorated or slum areas, or to undertake such of the aforesaid activities or other feasible activities as may be suitably employed to achieve the objectives of such a program.'

Sec. 2. Intent. Notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provisions of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Sec. 3. Application. The powers conferred by this Act shall be in addition and supplemental to the powers conferred by any other law.