

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

AS PASSED BY THE

Ninety-eighth Legislature

OF THE

# STATE OF MAINE

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**Private and Special Laws**

OF THE

**STATE OF MAINE**

As Passed by the Ninety-eighth Legislature

**1957**

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## Chapter 168

AN ACT to Create a Public Body in the City of Bangor to be Known as the Urban Renewal Authority.

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

**Sec. 1. Short title.** This chapter shall be known and may be cited as the "Urban Renewal Authority Law."

**Sec. 2. Findings and declaration of necessity.** It is hereby found and declared that:

I. There exist in the city of Bangor slum and blighted 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 Bangor; that the existence of such areas contributes substantially and increasingly to the spread of disease and crime, necessitating excessive and disproportionate expenditures of public funds for the preservation of the public health and safety, for crime prevention, correction, prosecution, punishment and the treatment of juvenile delinquency and for the maintenance of adequate police, fire and accident protection and other public service and facilities;

II. Such areas constitute an economic and social liability, substantially impair or arrest the sound growth of said city of Bangor;

III. 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;

IV. The elimination of slum conditions or conditions of blight, the acquisition and preparation of land in or necessary to the development or redevelopment in accordance with the master plan and urban renewal plan of said city of Bangor and any assistance which may be given by any state public body in connection therewith, are public uses and purposes for which public money may be expended, and private property acquired;

V. Certain slum, blighted or deteriorated areas, or portions thereof, may require acquisition and clearance, as provided in this act, since the prevailing condition of decay may make impracticable the reclamation of the area by conservation or rehabilitation, but other areas or portions thereof may, through the means provided in this act, as amended, be susceptible of conservation or rehabilitation in such a manner that the conditions and evils hereinbefore enumerated may be eliminated, remedied or prevented, and that the salvable slum and blighted areas can be conserved and rehabilitated through appropriate public action and the cooperation and voluntary action of the owners and tenants of property in such areas;

VI. The necessity in the public interest for the provisions hereinafter enacted is hereby declared as a matter of legislative determination.

**Sec. 3. Definitions.** The following terms wherever used or referred to in this law shall have the following meanings, unless a different meaning is clearly indicated by the context:

"Authority" or "Urban Renewal Authority" shall mean a public body corporate, and politic, created by or pursuant to section 4.

"Public body" shall mean the State of Maine, or any agency or instrumentality thereof, or any board, commission, authority or district within the territorial boundaries of the city of Bangor.

"City council" shall mean the city council of the city of Bangor.

"Clerk" shall mean the city clerk of the city of Bangor or other official of said city of Bangor who is the custodian of the official records of said city of Bangor.

"Federal Government" shall include the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.

"Area of operation" shall mean the area within the territorial boundaries of the city of Bangor.

"Blighted area" shall mean:

I. An area in which there is a predominance of buildings or improvements which, by reason of dilapidation, deterioration, age or obsolescence; or inadequate provision for ventilation, light, air, sanitation or open spaces; or high density of population and overcrowding; or the existence of conditions which endanger life or property by fire and other causes; or any combination of such factors, is conducive to ill health or transmission of disease, or infant mortality, or juvenile delinquency and crime, and is detrimental to the public health, safety, morals or welfare.

II. An area which, by reason of the predominance of inadequate street layout, insanitary or unsafe conditions; tax or special assessment delinquency exceeding the fair value of the land, the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, and is a menace to the public health, safety, morals or welfare in its present condition and use; provided that if such blighted areas consist of open land, the conditions contained in section 9 shall apply and provided further that any disaster area referred to in section 9 shall constitute a blighted area.

"Slum area" shall mean a blighted area in an extreme state of deterioration and decay.

"Urban renewal project" or "renewal project" may include undertakings and activities of the city of Bangor in an urban renewal area for the elimination, and for the prevention of the development or spread, of slums and blight, and may involve slum clearance and redevelopment in an urban renewal area, or rehabilitation or conservation in an urban renewal area, or any combination or part thereof in accordance with an urban renewal plan. Such undertakings and activities may include:

I. Acquisition of a slum area or a blighted area or portion thereof;

II. Demolition and removal of buildings and improvements;

III. Installation, construction or reconstruction of streets, utilities, parks, playgrounds and other improvements necessary for carrying out in the urban

renewal area the urban renewal objectives of this act in accordance with the urban renewal plan;

IV. Disposition of any property acquired in the urban renewal area, including sale, initial leasing or retention by the municipality itself, at its fair value for uses in accordance with the urban renewal plan;

V. Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan; and

VI. Acquisition of any other real property in the urban renewal area where necessary to eliminate unhealthful, insanitary or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities.

“Urban renewal plan” or “renewal plan” means a plan, as it exists from time to time for an urban renewal project, which plan shall conform to the general plan for the municipality as a whole except as provided in section 9; and 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 urban renewal area, 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.

“Redeveloper” shall mean any person, partnership or public or private corporation or agency which shall enter or propose to enter into a redevelopment contract.

“Redevelopment contract” shall mean a contract entered into between the Authority and a redeveloper for the redevelopment of an area in conformity with an urban renewal plan.

“Real property” shall include all lands, 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.

“Bonds” shall mean any bonds, including refunding bonds, notes interim certificates, debentures or other obligations pursuant to this law.

“Obligee” shall include any bondholder, agents or trustees for any bondholders, or lessor demising to the Authority property used in connection with an urban renewal project, or any assignee or assignees of such lessor’s interest or any part thereof, and the Federal Government when it is a party to any contract with the Authority.

“Person” shall mean any individual, firm, partnership, corporation, company, association, joint stock association or body politic; and shall include any trustee, receiver, assignee or other similar representative thereof.

**Sec. 4. Creation of Urban Renewal Authority.** There is hereby created in the city of Bangor a public body, corporate and politic to be known as the Urban

Renewal Authority of the city of Bangor: provided that such Authority shall not transact business or exercise its powers hereunder until or unless the city council has adopted a resolution approving the exercise of powers under this law by the Authority; provided further, that such resolution shall not be adopted unless the city council has made the following findings:

- I. That one or more slum or blighted areas exist in said city and;
- II. That the redevelopment of such area or areas is necessary in the interest of the public health, safety, morals or welfare of the residents of said city.

When the city council adopts a resolution as aforesaid, if the resolution adopted is one approving the exercise of powers hereunder by an Urban Renewal Authority created for the city of Bangor, the city council shall appoint a board of commissioners of such Authority which shall consist of 5 commissioners. The commissioners who are first appointed pursuant to this law shall be designated to serve for terms of 1, 2, 3, 4 and 5 years, respectively, from the date of their appointments, but thereafter commissioners shall be appointed as aforesaid for a term of office of 5 years, except that all vacancies shall be filled for the unexpired term.

A commissioner of the Authority shall receive no compensation for his services, but shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his duties. Each commissioner shall hold office until his successor has been appointed and qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner. The Authority shall present its annual operating budget to the city council for approval, and shall at least once a year file with the city council a report of its activities for the preceding year, and shall make any recommendations with reference to any additional legislation or other action that may be necessary in order to carry out the purposes of this law.

For inefficiency or neglect of duty or misconduct in office, a commissioner may be removed by the city council only after a hearing and after he shall have been given a copy of the charges at least 10 days prior to such hearing and have had an opportunity to be heard in person or by counsel.

In any suit, action or proceeding involving the validity or enforcement of or relating to any contract of, or bonds issued by the Authority, the Authority shall be conclusively deemed to have become established and authorized to transact business and exercise its powers hereunder upon proof of the adoption of the appropriate resolution prescribed above. Each such resolution shall be deemed sufficient if it authorizes the exercise of powers hereunder by the Authority and finds in substantially the terms provided, no further detail being necessary, that the conditions therein enumerated exist. A copy of such resolution duly certified by the clerk shall be admissible in evidence in any suit, action or proceeding.

No commissioner or employee of the Authority shall voluntarily acquire any interest, direct or indirect, in any redevelopment project or in any property included or planned by the Authority to be included in any such project, or in any contract or proposed contract in connection with any such project. Where the acquisition is not voluntary such commissioner or employee shall immediately disclose such interest in writing to the Authority and such disclosure shall be entered upon the minutes of the Authority. A commissioner or employee who owns or controls any interest, direct or indirect, in such property shall not par-

ticipate in any action by the Authority affecting the property. If any commissioner or employee of the Authority owned or controlled within the preceding 2 years an interest, direct or indirect, in any property included or planned by the Authority to be included in any redevelopment project, he immediately shall disclose such interest in writing to the Authority and such disclosure shall be entered upon the minutes of the Authority. Upon such disclosure such commissioner or employee shall not participate in any action by the Authority affecting such property. Any violation of the provisions of this section shall constitute misconduct in office.

**Sec. 5. Powers of the Authority.** The Authority shall constitute a public body, corporate and politic, exercising public and essential governmental functions, and having all the powers necessary to carry out and effectuate the purposes and provisions of this law, including the following powers in addition to others herein granted:

I. To sue and to be sued; to have a seal and to alter the same at pleasure; to have perpetual succession; to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the Authority; to make and from time to time amend and repeal by-laws, rules and regulations, not inconsistent with this law, to carry out the provisions of this law; employ an executive director, technical experts and such other officers, agents and employees, permanent and temporary, as it may require; to employ counsel and legal staff; and to delegate to one or more of its agents or employees such powers or duties as it may deem proper.

II. 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 an urban renewal authority with respect to urban renewal projects. In connection with the planning and undertaking of any urban renewal plan or urban renewal project, the Urban Renewal Authority, the municipality and all public and private officers, agencies and bodies shall have all the rights, powers, privileges and immunities which they have with respect to a redevelopment plan or redevelopment project, in the same manner as though all of the provisions of this law applicable to a redevelopment plan or redevelopment project were applicable to an urban renewal plan or urban renewal project. In addition to the surveys and plans which the Authority is otherwise authorized to make, the Authority is hereby specifically authorized to make:

A. Plans for carrying out a program of voluntary repair and rehabilitation of buildings and improvements; and

B. Urban renewal plans and preliminary plans outlining urban renewal activities for neighborhoods to embrace two or more urban renewal areas; and

C. Plans for the enforcement of laws, codes and regulations relating to the use of land and the use and occupancy of buildings and improvements, and to the compulsory repair, rehabilitation, demolition or removal of buildings and improvements; and

D. To prepare plans for the relocation of persons, including families, business concerns and others, displaced by an urban renewal project, and to make relocation payments to or with respect to such persons for moving



expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of such payments financed by the Federal Government.

**III.** To develop, test and report methods and techniques, and carry out demonstrations and other activities for the prevention and the elimination of slums and urban blight.

**IV.** To borrow 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 Bangor, 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 an Urban Renewal project, such condition imposed pursuant to federal law as the Authority may deem reasonable and appropriate and which are not inconsistent with the purposes of this law.

**V.** Within its area of operation, to make or have made by the planning board or other agency, public or private, all surveys, appraisals, studies and plans, but not including the preparation of a master plan for the city, necessary to the carrying out of the purposes of this law, and to contract or cooperate with any and all persons or agencies, public or private, in the making and carrying out of such surveys, appraisals, studies and plans.

**VI.** To prepare plans and provide reasonable assistance for the relocation of families displaced from an urban renewal project area to permit the carrying out of the urban renewal project, to the extent essential for acquiring possession of and clearing such area or parts thereof.

**VII.** To make such expenditures as may be necessary to carry out the purposes of this law; and to make expenditures from funds obtained from the Federal Government except insofar as conditions shall be prescribed for this purpose by the city council.

**Sec. 6. Preparation and approval of renewal plans.** The Authority shall not acquire real property for a renewal project unless the city council of the city of Bangor has approved by resolution the renewal plan, as prescribed in this section.

The Authority shall not recommend an urban renewal plan to the city council until a master plan for the development of the city has been prepared as set forth in section 96 of chapter 91 of the Revised Statutes of Maine, 1954, as amended.

The Authority may itself prepare or cause to be prepared an urban renewal plan, or any person or agency, public or private, may submit such a plan to the Authority. An urban renewal plan shall be sufficiently complete to indicate its relationship to definite local objectives as to appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities and other public improvements and the proposed land uses and building requirements in the urban renewal area, and shall include without being limited to:

**I.** The boundaries of the urban renewal area, with a map showing the existing uses and conditions of the real property therein;

**II.** A land use plan showing proposed uses of the area;

- III. Information showing the standards of population densities, land coverage and building intensities in the area after renewal;
- IV. A statement of the proposed changes, if any, in zoning ordinances or maps, street layouts, street levels or grades building codes and ordinances;
- V. A site plan of the area; and
- VI. A statement as to the kind and number of additional public facilities or utilities which will be required to support the new land uses in the area after redevelopment.

Prior to recommending an urban renewal plan to the city council for approval, if such plan has not been prepared by the planning board, the Authority shall submit the plan to the planning board for review and recommendations as to its conformity with the master plan for the redevelopment of the city as a whole. The planning board shall submit its written recommendations with respect to the proposed renewal plan to the Authority within 45 days after receipt of the plan for review. Upon receipt of the recommendations of the planning board, or, if no recommendations are received within said 45 days, then without such recommendations, the Authority may recommend the renewal plan to the city council for approval.

Prior to recommending an urban renewal plan to the city council for approval, the Authority shall consider whether the proposed land uses and building requirements in the renewal project area are designed with the general purpose of accomplishing, in conformance with the master plan, a coordinated, adjusted and harmonious development of said city which will, in accordance with present and future needs, promote health, safety, morals, order, convenience, prosperity and the general welfare, as well as efficiency and economy in the process of development; including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire, panic and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the provision of adequate transportation, water, sewerage and other public utilities, schools, parks, recreational and community facilities and other public requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, the prevention of the recurrence of insanitary or unsafe dwelling accommodations, slums or conditions of blight, and the provisions of adequate, safe and sanitary dwelling accommodations.

The recommendation of an urban renewal plan by the Authority to the city council shall be accompanied by the recommendations, if any, of the planning board concerning the renewal plan; a statement of the proposed method and estimated cost of the acquisition and preparation for redevelopment of the renewal project area and the estimated proceeds or revenues from its disposal to redevelopers; a statement of the proposed method of financing the urban renewal project; and a statement of a feasible method proposed for the relocation of families to be displaced from the urban renewal area.

The city council shall hold a public hearing on an urban renewal plan after reasonable public notice thereof by publication in a newspaper having a general circulation in the area of operation of the city. The notice shall describe the time, date, place and purpose of the hearing, shall generally identify the renewal area covered by the plan, and shall outline the general scope of the urban renewal project under consideration.

Following such hearing, the city council may approve by resolution a renewal plan, if it finds that said plan is feasible and in conformity with the master plan for the development of the city as a whole; provided that, if the planning board disapproves any renewal plan, the plan shall not be deemed approved except by the favorable vote of 7 members of the city council. A redevelopment plan which has not been approved by the city council when recommended by the Authority may again be recommended to it with any modifications deemed advisable.

An urban renewal 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 affected by the proposed modification. Where the proposed modification will substantially change the urban renewal plan as previously approved by the city council, the modification must similarly be approved by the city council.

**Sec. 7. Transfer, sale or lease of real property in an urban renewal area.** The Authority for the purpose of this law, may sell or lease for such sums as may be agreed upon the whole or any part of a renewal area to the redeveloper, or, if the property is to be used for public purposes, to any appropriate public agency. The consideration paid for the sale or lease of the property shall be such as is determined by the Authority and the city may appropriate and authorize the expenditure of money to compensate for any portion of the difference between the acquisition cost of such property and such sale or lease price of such property at a lesser consideration to the redeveloper, but in no case shall such sale or lease price be lower than the use value of such property. Each contract for sale or lease to a redeveloper shall provide, among other things, that the property transferred shall be developed and used in accordance with the renewal plan or such plan as modified with the approval of the Authority, that the building of the improvements shall be begun within a period of time which the Authority fixes as reasonable and that all transfers of properties by the redeveloper shall be subject to the consent of the Authority until construction or improvements are completed. Any contract for sale or lease shall be approved by the city council before its final approval by the Authority.

The Authority may temporarily operate and maintain real property in a renewal project area pending the disposition of the property for renewal, without regard to the provisions of the preceding paragraph, for such uses and purposes as may be deemed desirable even though not in conformity with the renewal plan.

The Authority may arrange or contract for the furnishing or repair, by any person or agency, public or private, of services, privileges, works, streets, roads, public utilities or other facilities for or in connection with a renewal project; and to agree to any conditions that it may deem reasonable and appropriate attached to federal financial assistance and imposed pursuant to federal law relating to the determination of prevailing salaries or wages or compliance with labor standards, in the undertaking or carrying out of a renewal project, and to include in any contract let in connection with such a project, provisions to fulfill such of said conditions as it may deem reasonable and appropriate.

Within its area of operation, the Authority may purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise or otherwise, any real or personal property or any interest therein, together with any improvements thereon, necessary or incidental to a renewal project; to hold, improve, clear or prepare for urban renewal any such property; to sell, lease, exchange, transfer, assign, sub-

divide, mortgage, pledge, hypothecate or otherwise encumber or dispose of any real or personal property or any interest therein; to enter into contracts with redevelopers of property containing covenants, restrictions and conditions regarding the use of such property for residential, commercial, industrial, recreational purposes or for public purposes in accordance with the renewal plan and such other covenants, restrictions, and conditions as the Authority may deem necessary to prevent a recurrence of slum or blighted areas or to effectuate the purposes of this law; to make any of the covenants, restrictions or conditions of the foregoing contracts or covenants running with the land, and to provide appropriate remedies for any breach of any such covenants or conditions, including the right in the Authority to terminate such contracts and any interest in the property created pursuant thereto; to borrow money and issue bonds and provide security for loans or bonds; to insure or provide for the insurance of any real or personal property or operations of the Authority against any risks or hazards, including the power to pay premiums on any such insurance; and to enter into any contracts necessary to effectuate the purposes of this law.

The Authority may invest any funds held in reserves or sinking funds or any funds not required for immediate disbursement, in property or securities in which saving banks may legally invest funds subject to their control; to redeem its bonds at the redemption price established therein or to purchase its bonds at less than redemption price, all bonds so redeemed or purchased to be cancelled.

Acting through one or more commissioners or other persons designated by the Authority, examinations and investigations may be conducted to hear testimony and take proof under oath at public or private hearings on any matter material for its information; to administer oaths and to issue commission for the examination of witnesses who are outside of the State or unable to attend before the Authority, or excused from attendance; to make available to appropriate agencies, including those charged with the duty of abating or requiring the correction of nuisances or like conditions or of demolishing unsafe or insanitary structures or eliminating slums or conditions of blight within its area of operation, its findings and recommendations with regard to any building or property where conditions exist which are dangerous to the public health, safety, morals or welfare.

The Authority may exercise all or any part or combination of powers herein granted.

**Sec. 8. Eminent domain.** The Authority shall have the right to acquire all or any part of the real property, or any interest therein, within the renewal project area, by the exercise of the power of eminent domain, whenever it shall be judged by the Authority that the acquisition of said real property or the interest therein is in the public interest or necessary for the public use.

The necessity for such acquisition shall be conclusively presumed upon the adoption by the Authority of a resolution declaring that the acquisition of the real property, or interest therein, described in such resolution is in the public interest and necessary for the public use and that such real property, or interest therein, is included in an approved urban renewal project under this law. Within 3 months after the adoption of such resolution, the Authority shall cause to be filed in the registry of deeds for the county of Penobscot a copy of such resolution of the Authority, together with a plat of the real property, or interest therein, described and a statement, signed by the chairman of the Authority that such real property, or interest therein, is taken pursuant to the provisions of this law. Thereupon, the Authority shall file in the Superior Court of the county

of Penobscot a statement of the sum of money estimated by said Authority to be just compensation for the real property taken.

Upon the filing of the copy of such resolution, plat and statement in said registry of deeds, the filing in the Superior Court of the statement and the depositing in said Superior Court, to the use of persons entitled thereto, of bonds with surety satisfactory to the clerk of said court in such amounts as the court shall determine to be amply sufficient to satisfy the claims of all persons interested in said real property, and the Court may, in its discretion, take evidence on the question to determine the amounts of the bonds to be deposited, title to such real property, or interest therein, shall vest in the Authority in fee simple absolute and said Authority thereupon may take possession of said real property, or interest therein.

After the filing of such copy, plat and statement, notice of the taking of such real property, or interest therein, shall be served upon the owners of and persons having an estate in and interested in such real property by a sheriff or his deputies by leaving a true and attested copy of such description and statement with each of such persons personally or at their last and usual place of abode in this State or with some person living there. If any such persons are nonresidents of the State, a true and attested copy of the notice shall be sent by registered mail, return receipt requested, to such persons at their last known address. In the event that ownership or interest in the real property cannot be ascertained after due and diligent search, an award shall be made to persons unknown for the value of said property and bonds for said amount running to the treasurer of said county for the use of persons entitled thereto shall be deposited in said Superior Court. If, during the period of 2 years after the depositing of such bonds, no person has been able to prove ownership of such real property, or interest therein, the Superior Court shall order the bonds so deposited to be cancelled and delivered up to the Authority. After the filing of such resolution, plat and statement, the Authority shall cause a copy of such resolution and statement, which statement shall set forth the names of the persons having an estate in such real property and the amount awarded to them, to be published in some newspaper published in the city of Bangor, at least once a week for 3 successive weeks. When any person shall agree with the Authority for the price of the real property, or interest therein, so taken and the sum agreed upon is paid by the Authority the court shall order the bond so deposited to be cancelled and delivered up to the Authority.

Any owner of, or persons entitled to any estate in or interest in any part of the real property, or interest therein, so taken, who cannot agree with said Authority for the price of the real property, or interest therein, so taken in which he is interested as aforesaid, may, within 3 months after personal notice of said taking, or, if he has no personal notice, may within one year from the first publication of the copy of such resolution and statement referred to in the preceding paragraph, apply by petition to the Superior Court in and for the county of Penobscot setting forth the taking of his real property, or interest therein, and praying for an assessment of damages by a jury. Upon filing of such petition, the said Court shall cause 20 days' notice of the pendency thereof to be given to such Authority by serving the chairman of the Authority with a certified copy thereof, and may proceed after such notice to the trial thereof; and such trial shall determine all questions of fact relating to the value of such real property, or interest therein, and the amount thereof, and judgment shall be entered upon the verdict of such jury and execution shall be issued therefor against the money so deposited in said court. In case the Authority is in doubt as to conflicting ownership or interest, the Authority may petition the said Superior Court for a determination of the various rights and amounts due. In case two

or more conflicting petitioners make claim to the same real property, or to any interests therein or to different interests in the same parcel of real property, said Court, upon motion, shall consolidate their several petitions for trial at the same time by the same jury, and may frame all necessary issues for the trial thereof. Appeal from the decision of the Superior Court may be made in like manner as provided for appeals in civil cases.

If any real property, or interests therein, in which any infant or other person not capable in law to act in his own behalf is interested, are taken by such Authority under the provisions of this law, said Superior Court, upon the filing therein of any such petition by or in behalf of such infant or other person, may appoint a guardian ad litem for such infant or other person, and such guardian may appear and be heard in behalf of such infant or other person; and such guardian may also, with the advice and consent of said Superior Court and upon such terms as said Superior Court may prescribe, release to such Authority all claims for damages for the real property of such infant or other person or for any such interests therein. Any lawfully appointed, qualified and acting guardian or other fiduciary of the estate of any such infant or other person, with the approval of the court of probate within this State having jurisdiction to authorize the sale of real property within this State of any such infant or other person, may, before the filing of any such petition, agree with such Authority upon the amount of damages suffered by such infant or other person by any taking of his real property or of his interests in any real property and may, upon receiving such amount, release to such Authority all claims of damages of such infant or other person for such taking.

In any proceedings for the assessment of compensation and damages for real property or interest therein taken or to be taken by eminent domain by the Authority, the following provisions shall be applicable:

I. At any time during the pendency of such action or proceedings, the Authority or an owner may apply to said court for an order directing an owner or the Authority, as the case may be, to show cause why further proceedings should not be expedited, and said court may upon such application make an order requiring that the hearings proceed and that any other steps be taken with all possible expedition.

II. If any of the real property, or interest therein, included within the project is devoted to a public use, it may nevertheless be acquired, and the taking shall be effective, provided that no real property or interest therein, belonging to the city of Bangor, or to any government shall be acquired without its consent, and that no real property or interest therein belonging to a public utility corporation may be acquired without the approval of the Public Utilities Commission or other officer or tribunal having regulatory power over such corporation. Any real property, or interest therein, already acquired by the Authority may nevertheless be included within such taking for the purpose of acquiring any outstanding interests in such real property.

III. The term "owner" as used in this section shall include a person having an estate, interest or easement in the real property to be acquired or a lien, charge or encumbrance thereon.

**Sec. 9. Acquisition and development of undeveloped vacant land.** Upon a determination by resolution of the city council that the acquisition and development of undeveloped vacant land, not within a slum or blighted area, is essential to the proper clearance or redevelopment of slum or blighted areas or a necessary part of the general slum clearance program of the city of Bangor, the

acquisition, planning, preparation for development or disposal of such land shall constitute an urban renewal project which may be undertaken by the Authority provided that such area shall not be so acquired unless:

**I.** If the undeveloped vacant land is to be developed for residential uses, the local governing body shall determine that a shortage of housing of sound standards and design which is decent, safe and sanitary exists in the municipality; that the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas, including other portions of the urban renewal area; that the conditions of blight in the area and the shortage of decent, safe and sanitary housing cause or contribute to an increase in and spread of disease and crime and constitute a menace to the public health, safety, morals or welfare; and that the acquisition of the area for residential uses is an integral part of and essential to the program of the municipality; or

**II.** If undeveloped vacant land is to be developed for nonresidential uses, the local governing body shall determine that such nonresidential uses are necessary and appropriate to facilitate the proper growth and development of the community in accordance with sound planning standards and local community objectives, which acquisition may require the exercise of governmental action, as provided in this Act, because of defective or unusual conditions of title, diversity of ownership, tax delinquency, improper subdivisions, outmoded street patterns, deterioration of site, economic disuse, unsuitable topography or faulty lot layouts, the need for the correlation of the area with other areas of a municipality by streets and modern traffic requirements, or any combination of such factors or other conditions which retard development of the area.

Notwithstanding any other provisions of this Act, where the local governing body certifies that an area is in need of redevelopment or rehabilitation as a result of a flood, fire, hurricane, earthquake, storm or other catastrophe respecting which the Governor of the State has certified the need for disaster assistance under Public Law 875, Eighty-first Congress, or other Federal law, the local governing body may approve an urban renewal plan and an urban renewal project with respect to such area without regard to the provisions of section 6 and the provisions of sections requiring a general plan for the municipality and a public hearing on the urban renewal project.

**Sec. 10. Issuance of bonds.** The Authority shall have power to issue bonds from time to time in its discretion for any of its corporate purposes including the payment of principal and interest upon any advances for surveys and plans for urban renewal projects. The Authority shall also have power to issue refunding bonds for the purpose of paying or retiring or in exchange for bonds previously issued by it. The Authority may issue such types of bonds as it may determine, including, without limiting the generality of the foregoing, bonds on which the principal and interest are payable:

**I.** Exclusively from the income, proceeds and revenues of the renewal project financed with the proceeds of such bonds; or

**II.** Exclusively from the income, proceeds and revenues of any of its renewal projects whether or not they are financed in whole or in part with the proceeds of such bonds.

Provided, however, that any such bonds may be additionally secured by a pledge of any loan, grant or contribution, or part thereof, from the Federal Government or other source, or a mortgage of any urban renewal project or projects of the Authority.

Neither the commissioners of the Authority nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof. The bonds and other obligations of the Authority, and such bonds and obligations shall so state on their face, shall not be a debt of the city of Bangor nor the State, and neither the city of Bangor nor the State shall be liable thereon, nor in any event shall such bonds or obligations be payable out of any funds or properties other than those of said Authority acquired for the purposes of this law.

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 or 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.

The bonds may be sold by the Authority at public or private sale at not less than par plus accrued interest; provided that the city council shall approve by resolution any private sale of such bonds.

In case any of the commissioners or officers of the Authority whose signatures appear on any bonds or coupons shall cease to be such commissioners or officers before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such commissioners or officers had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this law shall be fully negotiable.

In any suit, action or proceedings involving the validity or enforceability of any bond of the Authority or the security therefor, any such bond reciting in substance that it has been issued by the Authority to aid in financing an urban renewal project, as herein defined, shall be conclusively deemed to have been issued for such purpose and such project shall be conclusively deemed to have been planned, located and carried out in accordance with the purposes and provisions of this law.

Bonds issued under this section shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restrictions and shall not be subject to the provisions of any other law or charter relating to the authorization, issuance or sale of bonds. Bonds issued under the provisions of this Act are declared to be issued for an essential public and governmental purpose and, together with interest thereon and income therefrom, shall be exempted from all taxes.

**Sec. 11. Powers in connection with issuance of bonds.** In connection with the issuance of bonds or the incurring of obligations under leases and in order to secure the payment of such bonds or obligations, the Authority in addition to its other powers, shall have power:

- I. To pledge all or any part of its gross or net rents, fees or revenues to which its right then exists or may thereafter come into existence;
- II. To mortgage all or any part of its real or personal property, then owned or thereafter acquired;



III. To covenant against pledging all or any part of its rents, fees and revenues, or against mortgaging all or any part of its real or personal property, to which its right or title then exists or may thereafter come into existence or against permitting or suffering any lien on such revenues or property; to covenant with respect to limitations on its right to sell, lease or otherwise dispose of any renewal project or any part thereof; and to covenant as to what other or additional debts or obligations may be incurred by it;

IV. To covenant as to the bonds to be issued and as to the issuance of such bonds in escrow or otherwise, and as to the use and disposition of the proceeds thereof; to provide for the replacement of lost, destroyed or mutilated bonds; to covenant against extending the time for the payment of its bonds or interest thereon; and to covenant for the redemption of the bonds and to provide the terms and conditions thereof;

V. To covenant, subject to the limitations contained in this law, as to the amount of revenues to be raised each year or other period of time by rents, fees and other revenues, and as to the use and disposition to be made thereof; to create or to authorize the creation of special funds for moneys held for operating costs, debt service, reserves or other purposes, and to covenant as to the use and disposition of the moneys held in such funds;

VI. To prescribe the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto and the manner in which such consent may be given;

VII. To covenant as to the use, maintenance and replacement of any or all of its real or personal property, the insurance to be carried thereon and the use and disposition of insurance moneys, and to warrant its title to such property;

VIII. To covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition or obligation; and to covenant and prescribe as to events of default and terms and conditions upon which any or all of its bonds or obligations shall become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived;

IX. To vest in any obligees of the Authority the right to enforce the payment of the bonds or any covenants securing or relating to the bonds; to vest in any obligee or obligees holding a specified amount in bonds the right, in the event of a default by said Authority, to take possession of and use, operate and manage any urban renewal project or any part thereof, title to which is in the Authority, or any funds connected therewith, and to collect the rents and revenues arising therefrom and to dispose of such moneys in accordance with the agreement of the Authority with such obligees; to provide for the powers and duties of such obligees and to limit the liabilities thereof; and to provide the terms and conditions upon which such obligee may enforce any covenant or right securing or relating to the bonds; and

X. To exercise all or any part or combination of the powers herein granted; to make such covenants and to do any and all such acts and things as may be necessary in order to secure its bonds or to make its bonds more marketable notwithstanding that such covenants, acts or things may not be enumerated herein.

The Authority shall have power by its resolution, trust indenture, mortgage, lease or other contract to confer upon any obligee holding or representing a specified amount in bonds, the right, in addition to all rights that may otherwise be conferred, upon the happening of an event of default as defined in such resolution or instrument, by suit, action or proceeding in any court of competent jurisdiction:

- I. To cause possession of any urban renewal project or any part thereof, title to which is in the Authority, to be surrendered to any such obligee;
- II. To obtain the appointment of a receiver of any redevelopment project of said Authority or any part thereof, title to which is in the Authority, and of the rents and profits therefrom. If such receiver be appointed, he may enter and take possession of, carry out, operate and maintain such project or any part thereof and collect and receive all fees, rents, revenues or other charges thereafter arising therefrom and shall keep such moneys in a separate account or accounts and apply the same in accordance with the obligations of said Authority as the court shall direct, and
- III. To require said Authority and the commissioners, officers, agents and employees thereof to account as if it and they were the trustees of an express trust.

**Sec. 12. Conveyance to Federal Government on default.** In any contract for financial assistance with the Federal Government the Authority may obligate itself, which obligation shall be specifically enforceable and shall not constitute a mortgage, to convey to the Federal Government possession of or title to the urban renewal project and land therein to which such contract relates which is owned by the Authority, upon the occurrence of a substantial default, as defined in such contract, with respect to the covenants or conditions to which the Authority is subject; such contracts may further provide that in case of such conveyance, the Federal Government may complete, operate, manage, lease, convey or otherwise deal with the urban renewal project in accordance with the terms of such contract; provided that the contract requires that, as soon as practicable after the Federal Government is satisfied that all defaults with respect to the renewal project have been cured and that the urban renewal project will thereafter be operated in accordance with the terms of the contract, the Federal Government shall reconvey to the Authority the urban renewal project as then constituted.

**Sec. 13. Rights of obligee.** An obligee of the Authority shall have the right in addition to all other rights which may be conferred on such obligee, subject only to any contractual restrictions binding upon such obligee:

- I. By mandamus, suit, action or proceeding at law or in equity to compel said Authority and the commissioners, officers, agents or employees thereof to perform each and every term provision and covenant contained in any contract of said Authority with or for the benefit of such obligee and to require the carrying out of any or all such covenants and agreements, of said Authority and the fulfillment of all duties imposed upon said Authority by this law; and
- II. By the suit, action or proceeding in equity to enjoin any acts or things which may be unlawful, or the violation of any of the rights of such obligee of said Authority.

**Sec. 14. Bonds as legal investments.** All public officers, municipal corporations, political subdivisions and public bodies, all banks, trust companies,

bankers, savings banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking business; all insurance companies, insurance associations and other persons carrying on an insurance business; and all executors, administrators, curators, trustees and other fiduciaries may legally invest any sinking funds, moneys or other funds belonging to them or within their control in any bonds or other obligations issued by the Authority pursuant to this law, and such bonds and other obligations shall be authorized security for all public deposits. It is the purpose of this section to authorize any persons, political subdivisions and officers, public or private, to use any funds owned or controlled by them for the purchase of any such bonds or other obligations. However, nothing contained in this section with regard to legal investments shall be construed as relieving any person of any duty or exercising reasonable care in selecting securities.

**Sec. 15. Property of Authority exempt from taxes and from levy and sale by virtue of an execution.** All property, including funds of the Authority, shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against the same nor shall judgment against the Authority be a charge or lien upon its property; provided, however, that the provisions of this section shall not apply to or limit the right of obligees to foreclose or otherwise enforce any mortgage of the Authority or the right of obligee to pursue any remedies for the enforcement of any pledge or lien given by the Authority on its rents, fees, grant or revenue.

The property of the Authority is declared to be public property used for essential public and governmental purposes and such property and the Authority shall be exempt from all taxes of the city of Bangor, the State or any political subdivision thereof; provided that with respect to any property in a renewal project, the tax exemption provided herein shall terminate when the Authority sells, leases or otherwise disposes of such property to a redeveloper for redevelopment.

**Sec. 16. Cooperation by public bodies.** For the purpose of aiding and cooperating in the planning, undertaking or carrying out of an urban renewal project, the city of Bangor or any other public body may, upon such terms, with or without consideration, as it may determine:

I. Dedicate, sell, convey or lease any of its interests in any property, or grant easement, licenses or any right or privileges therein to the Authority;

II. Cause public buildings and public facilities, parks, playgrounds, recreational, community, educational, water, sewer or drainage facilities, or any other works which it is otherwise empowered to undertake, to be furnished or repaired in connection with a redevelopment project;

III. Furnish, dedicate, close, vacate, pave, install, grade, regrade, plan or re-plan streets, roads, sidewalks, ways or other places which it is otherwise empowered to undertake;

IV. Cause administrative and other services to be furnished to the Authority of the character which the city or other public body is otherwise empowered to undertake or furnish for the same or other purposes;

V. Incur the entire expense of any public improvement made by the city or other public body in exercising the powers granted in this section;

**VI.** Do any and all things necessary to aid and cooperate in the planning or carrying out of an urban renewal plan;

**VII.** Lend, grant or contribute funds to the Authority;

**VIII.** Employ any funds belonging to or within the control of the city or other public body, including funds derived from the sale or furnishing of property, service or facilities to the Authority, in the purchase of the bonds or other obligations of the Authority and, as the holder of such bonds or other obligations, exercise the rights connected therewith; and

**IX.** Enter into agreements, which may extend over any period with the Authority respecting action to be taken by the city or any such public body pursuant to any of the powers granted by this law. If at any time title to, or possession of, any renewal project is held by any public body or governmental agency, other than the Authority authorized by law to engage in the undertaking, carrying out administration of urban renewal projects, including any agency or instrumentality of the United States of America, the provisions of such agreements shall inure to the benefit of and may be enforced by such public body or governmental agency.

Any sale, conveyance, lease or agreement provided for in this section may be made by the city of Bangor or other public body without appraisal, public notice, advertisement or public bidding.

**Sec. 17. Grant of funds by the city.** The city may grant funds to the Authority for the purpose of aiding the Authority in carrying out any of its powers and functions under this law. To obtain funds for this purpose, the city may levy taxes and may issue and sell its bonds. Any bonds to be issued by the city pursuant to the provisions of this section shall be issued in the manner and within the limitations, except as herein otherwise provided, prescribed by the laws of this State for the issuance and authorization of bonds by the city for a public purpose.

**Sec. 18. Title of purchaser.** Any instrument executed by the Authority and purporting to convey any right, title or interest in any property under this law shall be conclusive evidence of compliance with the provisions of this law insofar as title or other interest of any bona fide purchasers, lessees or transferees of such property is concerned.

**Sec. 19. Severability.** The provisions of this Act shall be severable, and if any phrase, clause, sentence or provision of this Act, or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application thereof to any other persons or circumstances shall not be affected thereby.

**Referendum.** This act shall take effect 90 days after the adjournment of the Legislature only for the purpose of permitting its submission to the qualified voters of the city of Bangor at a regular or special election called and held for the purpose, by the municipal officers of the city of Bangor in the same manner as is provided by law for the holding of municipal elections. For the purpose of such election, the city clerk shall reduce the subject matter of this act to the following question: "Shall the 'Urban Renewal Authority Law' passed by the 98th Legislature, be accepted?" The voters shall indicate by a cross or check mark placed within a square on their ballot, under the words "Yes" or "No," their opinion of the same. If a majority of the valid ballots cast on this question

favor acceptance, this law shall become effective immediately upon declaration of the vote by the municipal officers of the city of Bangor; provided that the total number of votes cast for and against the acceptance of this act equals or exceeds 20% of the total votes cast in said city for all candidates for Governor at the next previous gubernatorial election.

The result of said elections shall be declared by the municipal officers of the city of Bangor and due certificate thereof shall be filed by the city clerk with the Secretary of State. Failure of approval shall not prevent the municipal officers of said city of Bangor from again submitting said question to the voters of said city in the manner aforesaid.

Effective August 28, 1957

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## Chapter 169

### AN ACT to Grant a Council-Manager Charter to the City of Augusta.

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

#### ARTICLE I

##### Grant of Powers to the City

**Sec. 1. Corporate existence retained.** The inhabitants of the city of Augusta shall continue to be a municipal corporation under the name of the city of Augusta and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties, liabilities and obligations provided for herein, or otherwise pertaining to or incumbent upon said city as a municipal corporation; and may enact ordinances, by-laws and regulations not inconsistent with the Constitution and laws of the State of Maine.

#### ARTICLE II

##### City Council

**Sec. 1. Powers and duties.** The administration of all the fiscal, prudential and municipal affairs of said city with the government thereof, except as otherwise provided by this charter, shall be and are vested in one body of 8 members and a mayor, which shall constitute and be called the city council, all of whom shall be qualified voters of said city, and shall be sworn in the manner hereinafter prescribed. Said city council shall exercise its powers in the manner hereinafter provided.

The members of the city council shall be and constitute the municipal officers of the city of Augusta for all purposes required by statute and except as otherwise herein specifically provided, shall have all the powers and authority given to and perform all duties required of municipal officers and mayors of cities under the laws of this State.

All the powers of establishing a watch and ward, now vested by the laws of the State in the justices of the peace and municipal officers or inhabitants of towns, are vested in the said city council so far as relates to said city; and they are authorized to unite the watch and police departments into one department and establish suitable regulations for the government of the same.