

Maine Redevelopment Act

Title 30-A, Chapter 204: Land Bank Authority

An Act to provide for the creation of the Maine Redevelopment Land Bank and local land bank authorities to assist municipalities in the assembly and clearance of title to property in a coordinated manner; to facilitate the use and development of certain properties; to promote economic growth; to prescribe the powers and duties of certain authorities; to provide for the creation and appointment of boards to govern land bank authorities to the prescribe their powers and duties; to authorize the acquisition, maintenance, and disposal of interest in real and personal property; to authorize the conveyance of certain properties to a land bank authority; to authorize foreclosure of certain abandoned property; to provide for the distribution and use of revenue collected or received by a land bank authority; and to extend protection against certain liabilities to a land bank authority.

30-A § 5151. Title

This chapter shall be known and may be cited as the “Maine Redevelopment Act.”

30-A § 5152. Definitions

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

1. Land Bank Authority, or Redevelopment Land Bank. “Authority” or “Land Bank Authority” or “Redevelopment Land Bank” means a public body corporate, and politic, created and established under this chapter.
2. Construction and Demolition Debris. “Construction and Demolition Debris” means debris resulting from construction, remodeling, repair, and demolition of structures. It excludes asbestos and other special waste.
3. Qualified Municipality. A qualified municipality means a municipality that intends to or has entered into an intergovernmental agreement with the State Land Bank Authority alone or with other qualified municipality through a regional planning organization.

30-A § 5153. Declaration of necessity;

It is found that there exists in the State a need to strengthen and revitalize the economy of the State and of municipalities and that it is the best interest of the State and of municipalities to assemble and dispose of public property, including tax acquired property, in a coordinated manner to foster the development of that property and to promote economic growth in the State and in municipalities.

It is declared that:

1. There exists in urban and rural area of the State, blighted, abandoned, and environmentally hazardous property and building conditions;
2. These conditions, and the existence of areas in need of revitalization and redevelopment, impair economic values, tax revenue, and are financial liabilities to the State and municipalities;

3. These conditions require excessive and disproportionate expenditure of public funds for crime prevention and punishment, public health and safety, fire, and accident protection and other public services and facilities;

4. These areas in the State cannot be cleared or rehabilitated solely through the operation of private enterprise;

5. The clearance, planning and preparation for rebuilding and rehabilitating these areas, the prevention and reduction of the underutilization and abandonment of established commercial areas and dwellings for the people of the State are public uses and purposes which public money may be spent and private property acquired and are governmental functions of State concern;

6. The creation of a land bank authority, for the purpose of acquiring, assembling, disposing, and foreclose on interest in property under this chapter is a valid public purpose.

7. The creation of a land bank authority, for the purpose of financing of the acquisition, assembly, disposition, and foreclosing on interest in property under this chapter is a valid public purpose.

It is the intent of the land bank authority enabling act to facilitate relief of those conditions which now exist and it is the policy of the State to assist and encourage all existing local, state, and federal agencies, public and private agencies, to facilitate redevelopment and the return of properties into productive use.

30-A § 5154. Maine Redevelopment Land Bank established

The Maine Redevelopment Land Bank is established and is a public body corporate and politic and an instrumentality of the State.

30-A § 5155. Powers and duties

The Authority shall exercise public and essential government functions, and have all the powers necessary to carry out and effectuate the purposes and provisions of this chapter, including the following powers in addition to other powers granted in this chapter:

1. The Authority shall have the following general powers:

A. To sue and be sued;

B. To have and alter a seal at pleasure;

C. To have perpetual succession;

D. To make and execute contracts and other instruments necessary or convenient to the exercise of the Authority's powers; and

E. To make and from time to time amend and repeal bylaws and regulations not inconsistent with this chapter, to carry out this chapter;

F. Perform other functions necessary or useful for carrying out any of its powers, duties, or purposes;

2. To acquire and dispose of property;

3. To enter into intergovernmental agreements with State agencies for the joint exercise of powers and duties for redevelopment purposes.

4. To enter into intergovernmental agreements with local authorities for the transfer to the authority of property for title clearance, disposal of property, and for other activities authorized under this chapter, including the return or transfer of property under the control of the authority to the local authority for redevelopment purposes.

3. To issue bonds and other obligations; 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 municipality or other public body, or from any sources, public or private, for the purposes of this chapter, to give any security that is required and to enter into and carry out contracts in connection with that financial assistance;

3. To carry out renewal projects and all other powers and duties of an Authority under chapter 203;

4. To acquire all or any part of the real property by the exercise of the power of eminent domain whenever the Authority determines that the acquisition of the real property is in the public interest or necessary for public use. The Authority shall exercise the power of eminent domain in the same manner provided in section 5108.

30-A § 5156. Restriction regarding Indian Territory; forests and farms

The Authority may not exercise any powers in Indian Territory or forests and farms of the State

30-A § 5157. Prohibition of acquiring military facilities

The Authority may not acquire any property that was a former military facilities built after 1900 as there are other programs including the federal Base Realignment and Closure Program that address the acquisition of military facilities.

30-A § 5158. Appointment, qualifications, tenure and meetings of commissioners and directors

The appointment, qualifications, tenure and meetings of commissioners and directors shall be made in the same manner as section 4722.

30-A § 5159. Authorization of qualified local authorities; intergovernmental agreement

1. A qualified municipality or regional planning organization may enter into an intergovernmental agreement with the Maine Redevelopment Land Bank providing for the exercise of the powers, duties, functions, and responsibilities of an authority under this chapter and for the creation of a local authority to exercise those functions:

A. To provide for the transfer to the local authority of tax acquired property of a qualified municipality for title clearance, for disposal of property, and for other activities authorized under this chapter, including the return or transfer of property under the control of the Authority to the qualified municipality;

B. To exercise the powers, duties, and functions of an authority authorized under this chapter.

2. An intergovernmental agreement shall provide for all the following:

A. The incorporation of a regional or municipal authority as a public body corporate;

B. The name of the local authority;

C. The appointment of commissioners.

30-A § 5160. Maine redevelopment fund established

The Maine Redevelopment Fund, referred to in this section as the “fund,” is established as a non-lapsing fund to support programs and projects administered by the Maine Redevelopment Land Bank and the Department of Economic and Community Development.

Money collected that is not used for the operation of the Maine Redevelopment Land Bank shall be deposited with the Treasurer of the State to credit the fund and may be invested as provided by Law. Interest on those investments must be credited to the fund.

Funds from surcharge fees imposed on the disposal of construction and demolition debris and residue from the processing of construction and demolition debris may be expended on for activities of the Maine Redevelopment Land Bank and qualified local authorities in support of the creation and administration of the Development Ready Community Planning guidelines as set forth in 30-A § 5162.

30-A § 5161. Construction and demolition debris surcharge

1. A surcharge of 5% on facility disposal fees shall be imposed on all construction and demolition debris received at a solid waste management facility. This fee shall be known and labeled as the “Redevelopment Fund Fee.” This fee shall be collected and remitted to the Maine Redevelopment Fund for the purpose of operating the Maine Land Bank and making funds available to qualified local authorities for redevelopment activities authorized in the Act.

2. In the event that the solid waste management facility is also the final point of disposal, the surcharge shall be applied to the facility fees excluding any fees or taxes imposed by other public agencies.

30-A § 5162. Development ready community planning

The Commissioner for the Department of Economic and Community Development shall establish a committee composed of the Commissioner or their designee, one member from the Maine Department of Transportation Planning Division, one member from the Municipal Planning Assistance Program at the Department of Agriculture, Conservation and Forestry, one member designated by each of the regional planning organizations, one member designated by the Maine State Housing Authority and three Maine residents from the private sector with experience in real estate development.

The Committee shall be known as the Development Ready Community Planning Committee and shall be responsible for publishing guidelines within one year from adoption of this act that will constitute the official guidelines of the State of Maine with regards to practices in community development.

The Maine State Housing Authority shall integrate these guidelines into State policy and planning documents with regards to residential development.

Within one year after the publication of these guidelines the Commissioner for the Department of Economic and Community Development shall implement the use of the guidelines to the extent

practicable in requirements for the Department's grant funding opportunities including but not limited to the Community Development Block Grant Fund or its successor program.

The Committee shall meet at least annually and publish a report on the progress of adoption of the Development Ready Community planning guidelines.

30-A § 5163. Expedited strict foreclosure action; procedure

An authority may initiate an expedited strict foreclosure action of all interests in a property other than liens, assessments, and rates of government entities for the purpose of quieting title.

Abandoned property. For a property that has been found to be abandoned under Title 17, Section 2851 or Title 30-A, Section 3106-B and an owner or party in interest has not remedied the property defects and has not reimbursed the municipality for its costs to remedy property defects, an authority may initiate an expedited strict foreclosure action on behalf of a qualified municipality.

Notice of impending expedited strict foreclosure action. The authority must cause notice to be served on the owner and parties in interest in the same way service of process is made in accordance with the Maine Rules of Civil procedure. When the name or address of an owner or party in interest is unknown or is not ascertainable with reasonable diligence, the notice must be published once a week for 3 successive weeks.

Recording of notice of impending expedited strict foreclosure action. The authority must cause a notarized copy of the notice to be recorded in the Registry of Deeds located within the county where the property is situated. The recording of this notice puts any person claiming an interest in the property on notice of the pendency of the expedited strict foreclosure action.

Petition to the superior court. The authority must file a petition with the clerk of the court requesting a judgement of strict foreclosure in its favor and shall include a date, within 90 days, on which the hearing on the petition shall be heard.

Notice of expedited foreclosure hearing. Not less than 45 days prior to the expedited strict foreclosure hearing, notice shall be served the owner and parties in interest in the same way service of process is made in accordance with the Maine Rules of Civil procedure. When the name or address of an owner or party in interest is unknown or is not ascertainable with reasonable diligence, the notice must be published once a week for 3 successive weeks.

Contesting the foreclosure. An owner or party in interest claiming an interest the property who desires to contest the petition shall file written objection and a statement for mitigation the condition of abandonment with the clerk of the court and serve those objections and a statement for mitigation of the condition of abandonment on the authority before the date of the hearing. No injunction shall issue to stay an expedited foreclosure action.

Hearing. The owner or party in interest may not assert that notice was insufficient or inadequate. The court shall attempt to resolve any objections to the foreclosure or equity of redemption or default regarding the title to the property subject to foreclosure.

Judgement. The judgement shall be effective 10 days after the conclusion of the hearing. The judgement shall specify all of the following:

1. The legal description of the property foreclosed;

2. That fee simple title to the property foreclosed by the judgement is vested absolutely in the authority with the exception of liens, assessments, and rates of government entities;

3. A finding that all persons entitled to notice and an opportunity to be heard have been provided that notice and opportunity. A person shall be deemed to have been provided notice and an opportunity to be heard if the authority followed the procedures for provision of this section.

Notice of judgement of foreclosure. The authority must cause a notarized copy of a notice of judgement of foreclosure to be recorded in the Registry of Deeds located within the county where the property is situated.

Except for liens, assessments, and rates of government entities, fee simple title to property set forth in a petition for foreclosure shall vest absolutely in the authority upon the effective date of the judgement and the authority shall have absolute title to the property with the exception of liens, assessments, and rates of government entities.

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22 § 461. Notice to owner to clean premises; expense on refusal

The local health officer, when satisfied upon due examination, that a cellar, room, tenement or building, structure or premises or property in the town, occupied as a dwelling place, has become, by reason of want of cleanliness or other cause including accumulation of rubbish, debris, junk, junk vehicles, junk equipment, household/human/hazardous waste, unfit for such residential purpose and a cause of sickness or nuisance to the occupants or the public, may issue, ~~in consultation with the department,~~ an order notice in writing to such occupants, or the owner or the owner's agent, or any one of them, requiring the premises to be put into a proper condition as to cleanliness, or, if they see fit, requiring the occupants to quit the premises within such time as the local health officer may deem reasonable. If the persons so notified, or any of them, neglect or refuse to comply with the terms of the ~~notice order~~, the local health officer may cause the premises to be properly cleansed or public nuisance abated at the expense of the owner, or may close the premises, and the same shall not be again occupied as a dwelling place until put in a proper sanitary condition. All expenses incurred by a municipality or county related to an order issued under this section, including, but not limited to, expenses relating to cleansing the premises and removing and disposing of any and all rubbish, debris, junk, junk vehicles, junk equipment, household/human/hazardous waste, must be repaid to the municipality or county by the owner within 30 days after demand, or a special tax may be assessed by the assessor against the land for the amount of the expenses and that amount must be included in the next annual warrant to the tax collector of the municipality or county for collection and must be collected in the same manner as other state, county and municipal taxes are collected. If the owner thereafter occupies or knowingly permits the same to be occupied without putting the same in proper sanitary condition, the owner shall forfeit not less than \$10 nor more than \$50 for each day that the premises remain unfit following written notification that the premises are unfit.

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38 § 569-C. Limited exemption from liability for state or local government entities

1. Limited exemption from liability. Liability under section 570 does not apply to the State or any political subdivision including a duly incorporated Land Bank Authority, authorized under the Maine Redevelopment Act, that acquired ownership or control of an oil storage facility through tax delinquency proceedings pursuant to Title 36, or through any similar statutorily created procedure for the collection of

governmental taxes, assessments, expenses or charges, or involuntarily through abandonment, or in circumstances in which the State or political subdivision including a duly incorporated Land Bank Authority, involuntarily acquired ownership or control by virtue of its function as a sovereign. The exemption from liability provided under this subsection does not apply if:

A. The State or political subdivision including a duly incorporated Land Bank Authority, causes, contributes to or exacerbates a discharge or threat of discharge from the facility; or

B. After acquiring ownership of the facility and upon obtaining knowledge of a release or threat of release, the State or political subdivision does not:

(1) Notify the department within a reasonable time after obtaining knowledge of a discharge or threat of discharge;

(2) Provide reasonable access to the department and its authorized representatives so that necessary response actions may be conducted; and

(3) Undertake reasonable steps to control access and prevent imminent threats to public health and the environment.

2. Reimbursement for department expenses. Notwithstanding the exemption from liability provided in subsection 1, the State or any political subdivision including a duly incorporated Land Bank Authority, that acquires or has acquired ownership of property that encompasses an oil storage facility pursuant to any of the proceedings referred to in subsection 1 is liable for any costs incurred by the department pursuant to this chapter during the period in which the State or political subdivision including a duly incorporated Land Bank Authority, had ownership of the property, up to the amount of the proceeds from the sale or disposition of the property minus any unpaid taxes on the property and the out-of-pocket costs of the sale or disposition.

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38 § 1367-B. Limited exemption from liability for state or local government entities

1. Limited exemption from liability. Liability under section 1367 does not apply to the State or any political subdivision including a duly incorporated Land Bank Authority, authorized under the Maine Redevelopment Act that acquired ownership or control of an uncontrolled hazardous substance site through tax delinquency proceedings pursuant to Title 36, or through any similar statutorily created procedure for the collection of governmental taxes, assessments, expenses or charges, or involuntarily through abandonment, or in circumstances in which the State or political subdivision including a duly incorporated Land Bank Authority, involuntarily acquired ownership or control by virtue of its function as a sovereign. The exemption from liability provided under this subsection does not apply to the State or any political subdivision including a duly incorporated Land Bank Authority, that has caused, contributed to or exacerbated a release or threatened release of a hazardous substance on or from the uncontrolled site.

2. Reimbursement for department expenses. Notwithstanding the exemption from liability provided in subsection 1, the State or any political subdivision including a duly incorporated Land Bank Authority, that acquires or has acquired ownership of property that encompasses an uncontrolled hazardous substance site pursuant to any of the proceedings referred to in subsection 1 is liable for any costs incurred by the department pursuant to this chapter during the period in which the State or political subdivision including a duly incorporated Land Bank Authority, had ownership of the property, up to the

amount of the proceeds from the sale or disposition of the property minus the out-of-pocket costs of the sale or disposition.