

§5224. Development programs

1. Adoption. The legislative body of a municipality or plantation shall adopt a development program for each development district. The development program must be adopted at the same time as is the district, as part of the district adoption proceedings or, if at a different time, in the same manner as adoption of the district, with the same notice and hearing requirements of section 5226. Before adopting a development program, the municipal or plantation legislative body shall consider the factors and evidence specified in section 5223, subsection 2.

[PL 2011, c. 101, §9 (AMD).]

2. Requirements. The development program must include:

A. A financial plan in accordance with subsections 3 and 4; [PL 2001, c. 669, §1 (NEW).]

B. A description of public facilities, improvements or programs to be financed in whole or in part by the development program; [PL 2001, c. 669, §1 (NEW).]

C. A description of commercial facilities, arts districts, transit expansion, improvements or projects to be financed in whole or in part by the development program; [PL 2009, c. 314, §9 (AMD).]

D. Plans for the relocation of persons displaced by the development activities; [PL 2001, c. 669, §1 (NEW).]

E. The proposed regulations and facilities to improve transportation; [PL 2001, c. 669, §1 (NEW).]

F. The environmental controls to be applied; [PL 2001, c. 669, §1 (NEW).]

G. The proposed operation of the development district after the planned capital improvements are completed; [PL 2001, c. 669, §1 (NEW).]

H. The duration of the development district, subject to the following conditions:

(1) A development district that is a tax increment financing district may not exceed a total of 30 tax years beginning with the tax year in which the designation of the development district is effective pursuant to section 5226, subsection 3 or, if specified in the development program, the subsequent tax year, except that, during the 10 calendar years after the general effective date of laws enacted during the First Special Session of the 131st Legislature, a district may be extended an additional 20 years if the district uses at least 75% of tax increment financing revenue for affordable housing projects or transit-oriented development. A district that is extended under this subparagraph may continue to use the original assessed value of the district.

For purposes of this subparagraph, "affordable housing" means a decent, safe and sanitary dwelling, apartment or other living accommodation for a household whose income does not exceed 120% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8; "transit-oriented development" means a type of development that links land use with transit facilities by combining housing with complementary public uses, including jobs, retail or services establishments that are located in transit-served nodes or corridors; and "original assessed value" means the taxable assessed value of a district as of March 31st of the tax year preceding the year in which it was designated by a municipality and approved by the commissioner under section 5226, subsection 2; and

(2) A development district that is funded by assessments under section 5228 and that is not a tax increment financing district is not limited in duration unless a limitation on duration is established by the legislative body of the municipality or plantation adopting the development program. Any limitation in the duration of a development district that is not a tax increment

financing district and that is established by the legislative body of the municipality or plantation may later be extended by the legislative body; and [PL 2023, c. 472, §1 (AMD).]

I. All documentation submitted to or prepared by the municipality or plantation under section 5223, subsection 2. [PL 2011, c. 101, §10 (AMD).]
[PL 2023, c. 472, §1 (AMD).]

3. Financial plan for development program. The financial plan for a development program must include:

A. Cost estimates for the development program; [PL 2001, c. 669, §1 (NEW).]

B. The amount of public indebtedness to be incurred; [PL 2001, c. 669, §1 (NEW).]

C. Sources of anticipated revenues; and [PL 2001, c. 669, §1 (NEW).]

D. A description of the terms and conditions of any agreements, contracts or other obligations related to the development program. [PL 2001, c. 669, §1 (NEW).]

[PL 2001, c. 669, §1 (NEW).]

4. Financial plan for tax increment financing districts. In addition to the items required by subsection 3, the financial plan for a development program for a tax increment financing district must include the following for each year of the program:

A. Estimates of increased assessed values of the district; [PL 2001, c. 669, §1 (NEW).]

B. The portion of the increased assessed values to be applied to the development program as captured assessed values and resulting tax increments in each year of the program; and [PL 2001, c. 669, §1 (NEW).]

C. A calculation of the tax shifts resulting from designation of the tax increment financing district. [PL 2001, c. 669, §1 (NEW).]

[PL 2001, c. 669, §1 (NEW).]

5. Limitation. For tax increment financing districts, the municipality or plantation may expend the tax increments received for any development program only in accordance with the financial plan. [PL 2011, c. 101, §11 (AMD).]

SECTION HISTORY

PL 2001, c. 669, §1 (NEW). PL 2007, c. 413, §4 (AMD). PL 2009, c. 314, §9 (AMD). PL 2011, c. 101, §§9-11 (AMD). PL 2013, c. 184, §3 (AMD). PL 2019, c. 140, §1 (AMD). PL 2023, c. 472, §1 (AMD).

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