

# MAINE STATE LEGISLATURE

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# ONE HUNDRED AND SECOND LEGISLATURE

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**Legislative Document**

**No. 1270**

H. P. 933 House of Representatives, February 12, 1965  
Referred to the Committee on State Government. Sent up for concurrence  
and ordered printed.

JEROME G. PLANTE, Clerk

Presented by Mr. Whittier of Farmington.

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## STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-FIVE

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### AN ACT to Create the Maine Indian Housing Authority.

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

**R. S., T. 22, c. 1352, additional.** Title 22 of the Revised Statutes is amended by adding a new chapter 1352, to read as follows:

#### ‘CHAPTER 1352

#### MAINE INDIAN HOUSING AUTHORITY

##### § 4731. Short title

This chapter shall be known and may be cited as the “Maine Indian Housing Authority Law.”

##### § 4732. Findings and declaration of necessity

It is hereby found and declared:

1. **Shortage.** That there exist on lands in this State occupied by the Passamaquoddy Indian Tribe, the title to which lands is held by the State, insanitary, unsafe and overcrowded dwelling accommodations; that there is a shortage of safe or sanitary dwelling accommodations available at rents or prices which persons of low income can afford; and that such shortage forces such persons to occupy insanitary, unsafe and overcrowded dwelling accommodations;

2. **Conditions.** That these conditions cause an increase in and spread of disease and crime and constitute a menace to the health, safety, morals and welfare of the residents of the reservation; that these conditions necessitate excessive and disproportionate expenditures of state funds for crime prevention

and punishment, public health and safety protection, fire and accident prevention and other public services and facilities;

3. **Obstacles.** That these slum areas cannot be cleared, nor can the shortage of safe and sanitary dwellings for persons of low income be relieved through the operation of private enterprise, or by any housing authority created by the Maine Housing Authorities Act;

4. **Public uses.** That the clearance, replanning and preparation for rebuilding of these areas and the providing of safe and sanitary dwelling accommodations for persons of low income are public uses and purposes for which public money may be spent and private property acquired and are governmental functions of state concern;

5. **Residential construction.** That residential construction activity is an important factor to general economic activity and that the undertakings authorized by this chapter to aid the production of better housing and more desirable neighborhood and community developments at lower costs will make possible a more stable and larger volume of residential construction activity which will assist materially in maintaining full employment; and

6. **Necessity.** That the necessity in the public interest for the provisions of this chapter enacted is declared as a matter of legislative determination.

#### § 4733. Maine Indian Housing Authority

There is created within the Department of Health and Welfare a public body, corporate and politic, to be known as the "Maine Indian Housing Authority." Except as otherwise provided in this chapter or clearly indicated otherwise by the context, the Maine Housing Authorities Act shall apply to the Maine Indian Housing Authority, hereinafter in this chapter called the authority.

#### § 4734. Members

The authority shall consist of 5 members. The Commissioner of the Department of Health and Welfare, who shall serve ex officio, or an employee of that department designated by him, who shall serve until such designation is revoked or his employment is terminated, shall be a member and the chairman. The 4 remaining members shall be members of the Passamaquoddy Tribe of Indians and be appointed by the Governor. The 4 members who are first appointed shall be designated to serve for terms of 2, 3, 4 and 5 years, respectively, from the date of their appointment, but thereafter such members shall be appointed for a term of office of 5 years, except that all vacancies shall be filled for the unexpired term. Each appointed member shall hold office until his successor has been appointed and has qualified. The authority shall elect from among its members a vice-chairman, a secretary and a treasurer and any appointive member may hold 2 of these positions. Meetings of the authority may be held at the State Capitol or within the perimeter boundaries of its area of operation.

#### § 4735. Area of operation

The area of operation of the authority is within the territorial boundaries

of lands in the State of Maine occupied by the Passamaquoddy Tribe of Indians and the title to which is held by the State of Maine.

§ 4736. Referendum approval not applicable

Title 30, section 4701, the Maine Housing Authorities Act, requiring referendum approvals, does not apply to the authority.

§ 4737. Transfer of state real property to authority

Any real property required by the authority for use in its area of operation in providing low-rent housing shall be transferred, conveyed or leased to the authority by the State of Maine, with or without consideration, for such period or periods as deemed necessary by the authority.

§ 4738. State aid

In addition to its other powers, the State is empowered to provide facilities, services and financial aid, by loan, donation, grant, contribution and appropriation of money; by abatement or remission of taxes, or payments in lieu of taxes, or other charges; or by any other means, to the authority and, in connection therewith, to enter into agreements, which may extend over any period, notwithstanding any provision or rule of law to the contrary.

§ 4739. Relation of powers of local officials and state public bodies

For the purposes of this chapter, the powers and duties conferred and imposed by the Maine Housing Authorities Act upon municipalities, mayors and governing bodies are vested in the Governor, and the powers and duties of specified other officials under that act are hereby vested in the authority. The term "state public body," as defined in the Maine Housing Authorities Act, includes the State for the purposes of this chapter. The term "municipality," in the opening paragraph of Title 30, section 4652, the Maine Housing Authorities Act, means the State for the purposes of this chapter.'