

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**R E P O R T**

**OF THE**

**ATTORNEY GENERAL**

**for the calendar years**

**1949 - 1950**

May 23, 1950

To Honorable Frederick G. Payne, Governor of Maine  
Re: Housing Acts

I have reviewed the material which you transmitted to me with your letter of May 15, 1950. I have also checked this in connection with Chapter 441 of the Public Laws of 1949, which, as you know, is our own State Housing Act.

The Federal Housing Act of 1950 deals, *seriatim*, with temporary housing, demountable housing, and permanent housing. With respect to temporary housing and demountable housing, various localities have until December 31, 1950 to make their requests for transfer of those units to the local Housing Authorities. With respect to permanent housing immediate action is necessary, since any locality, if it wishes to avail itself of the benefits of the Federal Act, must take action before June 1, 1950.

In view of this situation I have by telephone acquainted the respective corporation counsel of Bath, Portland and South Portland with the situation so that they may take proper action. These three cities appear to be the only places in the State wherein permanent housing is located.

Under our own State Housing Act it appears to me that our respective councils or governmental bodies have all the authority that is necessary to take action. Towns can act only at their annual meetings, which on the surface of things might indicate that they would be stymied in attempting to avail themselves of the provisions of the Federal Act, since their next annual meetings will not be until March of 1951. However, on page 15 of the Housing Act of 1950 there is this loophole, "Provided, that, in any case where the applicant is unable to comply with all conditions to the relinquishment or transfer because of the need for the enactment of state legislation or charter amendment, such date shall be June 30, 1952, and may be extended by the Administrator, upon request in a particular case, to December 31, 1952." While this applies strictly only to the actual relinquishment or transfer itself, I feel that with this loophole in the statute it may be possible for an interested town to make a request for transfer, pointing out that it cannot officially do so under State law until its annual town meeting of next March.

Except for dissemination of information I am unable to find anything either in the Federal Act or in the State Act requiring action at the State level; and with respect to dissemination of information, may I point out that this may not be necessary from your office since the communication addressed to you by the Public Housing Administration under date of May 10, 1950, is also addressed to mayors and heads of cities and towns, heads of county governments, local Housing Authorities, local public agencies, educational institutions and non-profit institutions with which the PHA has contracts.

JOHN S. S. FESSENDEN  
Deputy Attorney General