

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

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Legislative Document

No. 1066

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H. P. 744

House of Representatives, February 23, 1967

Referred to Committee on Indian Affairs. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Cookson of Glenburn.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-SEVEN

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AN ACT to Revise the Maine Indian Housing Authority Law.

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**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, housing programs vitally needed on the State of Maine Indian Reservations cannot be effectively implemented until this Act takes effect; and

Whereas, existing housing conditions on said reservations require the most immediate possible action to alleviate and correct overcrowding of houses, shortage of adequate new housing and the existence of insanitary conditions due to lack of basic home facilities; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. R. S., T. 22, § 4732, sub-§§ 1, 2 and 4, amended.** Subsections 1, 2 and 4 of section 4732 of Title 22 of the Revised Statutes, as enacted by chapter 280 of the public laws of 1965, are amended to read as follows:

**1. Shortage.** That there exists on ~~lands the reservations~~ in this State occupied by the Passamaquoddy and Penobscot Indian ~~Tribe Tribes, 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 those conditions cause an increase in and spread of disease and ~~crime~~ **other conditions** and constitute a menace to the health, safety, morals and welfare of the residents of the ~~reservation~~ **reservations**; 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~~ **protection** and other public services and facilities;

4. **Public uses.** That the clearance, replanning and preparation for rebuilding of these areas and the providing of safe and sanitary dwelling accommodations **and maintaining a wholesome living environment** 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;

**Sec. 2. R. S., T. 22, § 4733, repealed and replaced.** Section 4733 of Title 22 of the Revised Statutes, as enacted by chapter 280 of the public laws of 1965, is repealed and the following enacted in place thereof:

**§ 4733. Creation of Indian Housing Authorities**

In the Penobscot tribal reservation at Indian Island, Old Town, and in each reservation of the Passamaquoddy Tribe of Indians at Pleasant Point and Indian Township, there is created a public body corporate and politic to be known as the reservation "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 housing authorities created by this section, hereinafter in this chapter referred to as "authority" or "authorities."

**Sec. 3. R. S., T. 22, § 4734, repealed and replaced.** Section 4734 of Title 22 of the Revised Statutes, as enacted by chapter 280 of the public laws of 1965, is repealed and the following enacted in place thereof:

**§ 4734. Appointment and removal of commissioners**

1. **Appointment.** Each authority shall have 5 commissioners appointed by the reservation governor, with the advice and consent of the tribal council, of the reservation for which the authority is created. No less than 4 commissioners, including the chairman, shall be members of the tribe of the respective reservation. Holding of any tribal office shall not bar appointment of any such tribal members to the Housing Authority of the member's reservation. The commissioners who are first appointed shall be designated to serve for terms of one, 2, 3, 4 and 5 years, respectively, from the date of their appointment, but thereafter such commissioners shall be appointed for a term of office of 5 years, except that all vacancies shall be filled for the unexpired term. Each commissioner shall hold office until his successor has been appointed and has qualified. Each authority shall elect a chairman, a vice-chairman, a secretary and a treasurer from among the commissioners and a commissioner may hold any 2 of these positions except for the positions of chairman and vice-chairman.

2. **Removal.** For inefficiency or neglect of duty or misconduct in office, a commissioner may be removed after a hearing by the reservation governor and

tribal council of the reservation for which the authority is created, provided he shall have been given a copy of the charges at least 10 days prior to the hearing and had an opportunity to be heard in person or by counsel. In the event of the removal of a commissioner, a record of the proceedings shall be filed in the office of the respective reservation Housing Authority.

**Sec. 4. R. S., T. 22, § 4735, repealed and replaced.** Section 4735 of Title 22 of the Revised Statutes, as enacted by chapter 280 of the public laws of 1965, is repealed and the following enacted in place thereof:

**§ 4735. Area of operation**

The area of operation of an authority is within the territorial boundaries of the reservation for which it is created.

**Sec. 5. R. S., T. 22, § 4736, amended.** Section 4736 of Title 22 of the Revised Statutes, as enacted by chapter 280 of the public laws of 1965, is amended to read as follows:

**§ 4736. Referendum approval not applicable**

Title 30, section 4701, ~~the Maine Housing Authorities Act~~ requiring referendum approvals ~~under the Maine Housing Authorities Act~~, does not apply to the ~~authority~~ authorities created by this chapter.

**Sec. 6 R. S., T. 22, § 4737, repealed and replaced.** Section 4737 of Title 22 of the Revised Statutes, as enacted by chapter 280 of the public laws of 1965, is repealed and the following enacted in place thereof:

**§ 4737. Authorization for transfer of real property**

Any real property required by an authority for use in its area of operation in providing housing shall be leased to the authority by the respective governor and council with the approval of the Governor of the State of Maine upon such lawful terms as shall be agreeable to the parties.

**Sec. 7. R. S., T. 22, § 4738, amended.** Section 4738 of Title 22 of the Revised Statutes, as enacted by chapter 280 of the public laws of 1965, is amended to read as follows:

**§ 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~~ an 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, **excepting constitutional provision or treaty.**

**Sec. 8. R. S., T. 22, § 4739, repealed and replaced.** Section 4739 of Title 22 of the Revised Statutes, as enacted by chapter 280 of the public laws of 1965, is repealed and the following enacted in place thereof:

**§ 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 and their governing bodies, mayors and specified local officials are hereby vested in tribal councils and tribal officials. The term "state public body," as defined in the Maine Housing Authorities Act, includes the State for the purposes of this chapter, and the term "municipality" in the opening paragraph of Title 30, section 4652 includes the respective reservations of the Passamaquoddy and Penobscot Indian Tribes, for the purposes of this chapter.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.