

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1397

6
7 H.P. 1053

House of Representatives, March 30, 1983

8 Referred to the Committee on State Government. Sent up for concurrence
9 and ordered printed. Ordered sent forthwith.

10 EDWIN H. PERT, Clerk

Presented by Representative Paradis of Augusta.

Cosponsors: Representative LaPlante of Sabattus and Representative
11 Lebowitz of Bangor.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Make Corrections in the Maine
18 State Housing Authorities Law.
19

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

22 Sec. 1. 30 MRSA §4552, sub-§1, as amended by PL
23 1979, c. 521, §1, is further amended to read:

24 1. Area of operation. "Area of operation" of an
25 authority of a town shall include all of the town for
26 which it is created, and the area of operation of a
27 housing authority of a city shall include the city
28 and the area within 10 miles outside the territorial
29 boundaries thereof. The area of operation of the
30 housing authority of a city shall not include any
31 area which lies within the territorial boundaries of
32 any other city nor shall it include any portion of a
33 town for which a housing authority has been organ-
34 ized, without the consent by resolution of the

1 selectmen of the town or the governing body of the
2 other city. No authority shall operate in any area in
3 which an authority already established is operating
4 without the consent by resolution of the authority
5 already operating therein. The area of operation of
6 the state authority is the entire State. The state
7 authority shall not operate in any area in which an
8 authority of a city or town already established pur-
9 suant to chapter 239, ~~subchapters~~ subchapter II ~~or~~
10 ~~III~~, is operating without the consent by resolution
11 of the authority operating therein. In the case of
12 the state authority, the requirements of coordination
13 and local approval specified in sections 4651, sub-
14 section 10 and 4701 may be complied with by passage
15 by the local governing body of the following resolu-
16 tion:

17 The Maine State Housing Authority is authorized
18 to seek and may contract for financial assistance
19 from the Federal Government for the purpose of
20 providing housing for low-income persons and fam-
21 ilies in (Name of Municipality).

22 Passage of such resolution is conclusive evidence of
23 compliance with the referenced sections. The local
24 governing body is entitled to repeal the resolution,
25 provided that any contract for federal assistance
26 entered into between the Maine State Housing Author-
27 ity and any person, firm or corporation in or with
28 respect to the municipality in question after passage
29 of the original resolution and prior to its repeal
30 shall not be affected by the repeal and provided fur-
31 ther that the security of the authority's mortgage
32 interest or the obligation or repayment of debt to
33 bondholders is not affected by the repeal.

34 The authority shall meet and discuss with the local
35 governing body concerning permissible and preferred
36 developers, housing management entities and sites in
37 anticipation of a preliminary designation of a pro-
38 posed project.

39 When the authority has received a proposed project
40 for consideration, it shall so notify the municipal-
41 ity in question. When the authority has made a pre-
42 liminary designation of a proposed project, it shall
43 so notify the municipality within 30 days. If the

1 local governing body of the municipality disapproves
2 of the preliminary designation, it shall so notify
3 the authority within the 45-day period following the
4 notice of selection. The notice of disapproval shall
5 have the effect of repealing the consent resolution
6 for that proposed project.

7 Sec. 2. 30 MRSA §4651, sub-§1 is amended to
8 read:

9 1. General. To sue and; to be sued on its writ-
10 ten contracts or in accordance with the Maine Tort
11 Claims Act, the Maine Administrative Procedure Act,
12 Title 5, chapter 375, in the case of the state
13 authority, Rule 80B or any successor rule of the
14 Maine Rules of Civil Procedure in the case of a city
15 or town authority or Title 1, section 409; to have a
16 seal and to alter the same at pleasure; to have
17 perpetual succession; to make and execute contracts
18 and other instruments necessary or convenient to the
19 exercise of the powers of the authority; and to make
20 and from time to time amend and repeal bylaws, rules
21 and regulations not inconsistent with this subchap-
22 ter, to carry into effect the powers and purposes of
23 the authority;

24 Sec. 3. 30 MRSA §4724, as enacted by PL 1975, c.
25 522, §2, is repealed.

26 Sec. 4. 30 MRSA §4724-A is enacted to read:

27 §4724-A. Rules

28 The state authority shall establish regulations
29 governing, without limitation, the following subjects
30 and procedures for participating in the making of
31 construction loans:

32 1. Submission, review and acceptance of
33 requests. The submission, review and acceptance of
34 requests from borrowers for construction loans under
35 this section;

36 2. Qualifications. Qualifications of borrowers;

37 3. Limitation and standards. Limitation on and
38 standards for location and construction of housing
39 units or housing projects;

1 Section 2 clarifies that Title 30, section 4651,
2 subsection 1, does not abrogate case law and recent
3 acts governing the amenability of political subdivi-
4 sions to suit.

5 The repeal of Title 30, section 4724 and enact-
6 ment of Title 30, section 4724-A makes Title 30,
7 section 4724-A subject to the Maine Administrative
8 Procedure Act, Title 5, chapter 375.

9 Section 5 codifies PL 1979, sections 12, 13 and
10 14 and makes them consistent with the Maine Housing
11 Authorities Act.

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