

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 376

6
7 S.P. 137

In Senate, January 31, 1985

8 Referred to the Committee on Local and County Government and
9 ordered printed. Sent down for concurrence.

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Maybury of Penobscot.
Cosponsored by Representative Ruhlin of Brewer.

11
12 STATE OF MAINE
13

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

17 AN ACT to Allow Housing Authority Boards to
18 Appoint Alternate Commissioners.
19

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

22 30 MRSA §4602, sub-§1, as amended by PL 1975, c.
23 456, §3, is further amended to read:

24 1. Municipality. In the case of a municipality:

25 A. Each authority shall have 6 regular commis-
26 sioners and may have one alternate commissioner
27 appointed. One of the regular commissioners of
28 an authority in a municipality with housing which
29 is subsidized or assisted by programs of the
30 United States Department of Housing and Urban De-
31 velopment shall be a resident of such housing;
32 where tenant associations exist, the appointing
33 authority shall give priority consideration to
34 nominations made by the associations. In the case
35 of a city having a mayor-council form of govern-

1 ment, appointment shall be by the mayor with the
2 advice and consent of the council; in the case of
3 a city having a manager-council form of govern-
4 ment, appointment shall be by the council; in the
5 case of a town, appointment shall be by the se-
6 lectmen. The bylaws of any housing authority may
7 provide for one alternate commissioner who shall
8 be appointed as provided in this paragraph. The
9 alternate commissioner may act at any duly called
10 meeting in the absence of a regular commissioner.
11 No commissioner ~~shall~~ may be appointed until the
12 authority is authorized to function as provided
13 in section 4601. The regular commissioners who
14 are first appointed pursuant to this section
15 shall be designated to serve for terms of one, 2,
16 3, 4 and 5 years, respectively, from the date of
17 their appointment, and thereafter ~~said~~ commis-
18 sioners shall be appointed as aforesaid for a
19 term of 5 years, except that all vacancies shall
20 be filled for the unexpired term. The alternate
21 commissioner who is appointed shall serve for a
22 term of 5 years, except that all vacancies shall
23 be filled for the unexpired term. All such ap-
24 pointments shall be made in the same manner as
25 the original appointment. Those regular commis-
26 sioners who were not appointed to terms of one,
27 2, 3, 4 and 5 years, but were instead all ap-
28 pointed to terms of 5 years under then existing
29 law shall serve out their terms, and succeeding
30 appointments shall be for terms of one, 2, 3, 4
31 and 5 years, respectively, and thereafter said
32 commissioners shall be appointed as aforesaid for
33 a term of office of 5 years, except that all va-
34 cancies shall be filled for the unexpired term,
35 all such appointments to be made in the same man-
36 ner as the original appointment. The first
37 regular commissioner appointed to an authority,
38 who is a resident of subsidized or assisted hous-
39 ing, shall be designated to serve for a 4-year
40 term from the date of his appointment, and there-
41 after said regular commissioner shall be ap-
42 pointed as aforesaid for a term of 5 years, ex-
43 cept that all vacancies shall be filled for the
44 unexpired term.

45 B. Each authority shall elect a chairman and
46 vice-chairman from among the regular commission-

1 ers. An authority may employ a secretary, who
2 shall be executive director, and technical ex-
3 perts and such other officers, agents and employ-
4 ees as it may require, and shall determine their
5 qualifications, duties and compensation. An au-
6 thority may employ its own counsel and legal
7 staff. It may delegate to its agents or employees
8 such powers or duties as it may deem proper.

9 C. A No regular or alternate commissioner ~~shall~~
10 may receive ~~no~~ compensation for his services but
11 shall be entitled to the necessary expenses, in-
12 cluding traveling expenses, incurred in the dis-
13 charge of his duties. Each commissioner shall
14 hold office until his successor has been ap-
15 pointed and has qualified. A certificate of the
16 appointment or reappointment of any commissioner
17 shall be filed with the authority and such cer-
18 tificate shall be conclusive evidence of the due
19 and proper appointment of such commissioner.

20 D. The powers of an authority shall be vested in
21 the commissioners thereof in office from time to
22 time. Four commissioners shall constitute a quo-
23 rum of an authority for the purpose of conducting
24 its business and exercising its powers and for
25 all other purposes, notwithstanding the existence
26 of any vacancies. Action may be taken by the au-
27 thority upon a vote of a majority of the commis-
28 sioners present, unless in any case its bylaws
29 shall require a larger number. Meetings of the
30 commissioners of an authority may be held any-
31 where within the perimeter boundaries of the area
32 of operation of the authority or within any addi-
33 tional area where the authority is authorized to
34 undertake a project. Appointments may be made of
35 any persons as commissioners of the authority who
36 reside within its boundaries or area, and who are
37 otherwise eligible for such appointments under
38 this subchapter. Nothing in this section shall
39 be construed to prevent a commissioner from con-
40 currently serving as a commissioner on a renewal
41 authority established by any city having a popu-
42 lation of 20,000 or more.

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STATEMENT OF FACT

This bill allows municipal housing authorities to appoint an alternate commissioner to serve in the absence of a regular commissioner.

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