

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

NINETY - SECOND LEGISLATURE

Legislative Document

No. 1206

H. P. 1499

House of Representatives, July 9, 1946

Referred to the Committee on Judiciary, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Payson of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-SIX

AN ACT to Provide Temporary Housing for Veterans of World War II.

Emergency preamble. Whereas, an acute shortage of housing within the financial reach of servicemen and veterans and their families now exists in many of the municipalities within the state, and on account of such shortage many servicemen and veterans of World War II are unable to obtain shelter for themselves and their families, and this shortage is likely to continue for a substantial period of time; and

Whereas, the congress of the United States has enacted legislation to make temporary housing projects available to such persons at low rents; and

Whereas, in the judgment of the legislature these facts create an emergency within the meaning of section 16, part third, article IV of the constitution of Maine as enacted by article XXXI, 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. Declaration. It is hereby declared that an acute housing shortage exists in many areas of this state so that veterans and their families

and families of servicemen are unable to obtain housing and that returning veterans are being denied their rights to education because of the lack of housing at educational institutions, and, therefore, a public exigency, emergency and distress now exists and the providing of housing for such persons constitutes a public use and purpose for which public money should be spent and private property acquired and is a governmental function of state concern.

Sec. 2. Definitions. As used in this act, unless the context otherwise requires, the following words shall have the following meanings:

I. "Veterans" shall mean persons who have served in the military or naval forces of the United States during World War II.

II. "Servicemen" shall mean persons in the military or naval forces of the United States who served therein during World War II.

III. "Municipality" shall refer both to cities and towns.

IV. "Housing authority" shall mean any housing authority created pursuant to this act and chapter 260 of the public laws of 1943.

V. "Government" shall mean the United States of America and any agency thereof, corporate or otherwise.

Sec. 3. Authorization. For the purpose of making housing available for veterans and their families or single veterans and for families of servicemen in those areas of the state where sufficient housing accommodations are not available and private enterprise is not providing an adequate supply of housing within the means of such families or persons, any municipality may:

I. Acquire real or personal property by purchase, gift, lease, bailment or otherwise, and exercise the power of eminent domain in accordance with the provisions of sections 12 to 22, inclusive, of chapter 48 of the revised statutes for the acquisition of real property, which is entirely or almost entirely unoccupied by buildings, provided that any such real property now held by a public body for a public use may be so acquired, but only with the written consent of the using body;

II. Clear and prepare sites on which any such housing is to be located and install streets, sidewalks, utilities and other necessary facilities;

III. Construct or otherwise provide housing or other structures that can be used as dwellings, and remove such housing that is of a temporary character after it has served the purposes of this act;

IV. Operate such housing for the purposes of this act ;

V. Provide or assist in providing transportation where necessary in order to enable the use of housing where suitable transportation, based on the nature and extent of service and the rates, is not otherwise available ;

VI. Borrow money and accept grants from the government, the state or from other local agencies or other sources ;

VII. Comply with such terms and conditions as may be prescribed by the government in obtaining assistance from it for the purposes of this act ; and

VIII. Take such other action as is necessary to carry out the purposes of this act.

Sec. 4. Municipal appropriations. Any municipality also may raise and appropriate money for the purpose of :

I. Meeting any local participation in housing costs or expenses required in order to obtain government aid ;

II. Providing such housing by the municipality ; or

III. Providing funds for use by a housing authority in providing such housing.

Any municipality may take any action necessary or appropriate to cooperate with a housing authority for the purpose of carrying out the provisions of this act.

Sec. 5. Municipal agency. Any housing authority created by this act or now or hereafter created by chapter 260 of the public laws of 1943 may act as agent of the municipality in which it exists for the purpose of carrying out this act and any contracts entered into pursuant to the terms of this act, and shall have the powers required for such purposes. In any municipality in which no housing authority is created pursuant to said chapter 260 and in which the governing body of the city or town, at a duly called town meeting, finds that there is need for an authority to act as agent of the municipality for the purposes of this act, there shall hereby be created a public body corporate, which shall be known as the housing authority of that municipality. Upon the adoption of such a finding, the city manager, or, if there is no city manager, the mayor of the city, in either case by and with the confirmation of the council, or the board of selectmen of the town shall thereupon appoint 5 persons to serve as com-

missioners at the pleasure of the appointing power, designate the chairman to serve until the 1st annual meeting of the authority, and shall fill any vacancies which may occur by appointment as aforesaid. At each annual meeting such authority shall select a chairman and a vice-chairman from its commissioners. No commissioner shall receive compensation for his services in any capacity, but shall be entitled to necessary expenses, including travel expenses incurred in the discharge of his duties.

Sec. 6. Disposition. Such housing of a temporary character, if acquired or provided with assistance from the government, shall be removed within the period prescribed by federal law or regulation, or, if acquired or provided without such assistance, shall be removed promptly upon a determination by the governing body of the municipality in which such housing is situated that the need for such housing for the purposes of this act no longer exists.

Sec. 7. Powers. The powers conferred by this act shall be in addition and supplemental to the powers conferred by any other law.

Sec. 8. Limitation. The power of municipalities to construct or otherwise develop any additional housing for the purposes of this act shall terminate on December 31, 1949.

Sec. 9. Validation. Any action, including the execution of contracts, heretofore taken by any municipality or housing authority in furtherance of the purposes set forth in this act, which would have been valid and proper if taken after the adoption of this act, is hereby validated and declared legal in all respects.

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