

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Ninety-fourth Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Ninety-fourth Legislature

1949

Chapter 440

AN ACT Relating to Entertainment and Recreation on Sunday.

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

R. S., c. 121, § 39, amended. Section 39 of chapter 121 of the revised statutes is hereby amended to read as follows:

'Sec. 39. Business, traveling and recreation on the Lord's Day; penalty. Whoever, on the Lord's Day, keeps open his shop, workhouse, warehouse or place of business; travels; does any work, labor or business on that day, except works of necessity or charity; uses any sport, game or recreation; or is present at any dancing, public diversion, show or entertainment, encouraging the same, shall be punished by a fine of not more than \$10; provided, however, that this section shall not apply to the operation of common carriers; to the driving of taxicabs and public carriages ~~in attendance upon the arrival or departure of such carriers~~; to the operation of airplanes; to the driving of private automobiles or other vehicles; to the printing and selling of Sunday newspapers; to the keeping open of hotels, restaurants, garages and drug stores; to the selling of gasoline; or to the giving of scientific, philosophical, religious or educational lectures, or to musical concerts or theatrical productions ~~where no admission is charged.~~'

Effective August 6, 1949

Chapter 441

AN ACT to Create Public Bodies to be Known as Housing Authorities.

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

R. S., c. 81-A, additional. The revised statutes are hereby amended by adding thereto a new chapter to be numbered 81-A, to read as follows:

'CHAPTER 81-A.

MAINE HOUSING AUTHORITIES

Sec. 1. Title. This chapter may be referred to as the "Maine Housing Authorities Act."

Sec. 2. Finding and declaration of necessity. It is hereby declared that there exists in urban and rural areas in the state, insanitary, unsafe and

overcrowded dwelling accommodations; that in such urban and rural areas within the state there is a shortage of safe or sanitary dwelling accommodations available at rents or prices which persons, particularly veterans, of low income can afford and that such shortage forces such persons to occupy insanitary, unsafe and overcrowded dwelling accommodations; that the aforesaid conditions, and the existence of blighted areas, impair economic values and tax revenues; that these conditions cause an increase in and spread of disease and crime and constitute a menace to the health, safety, morals and welfare of the residents of the state; that these conditions necessitate excessive and disproportionate expenditures of public funds for crime prevention and punishment, public health and safety, fire and accident protection, and other public services and facilities; that these areas in the state cannot be cleared, nor can the shortage of safe and sanitary dwellings for persons of low income be relieved, through the operation of private enterprise, and that the construction of housing projects for persons of low income, as herein defined, would therefore not be competitive with private enterprise; that the construction of such projects would make housing available for returning veterans of low income who are unable to provide themselves with decent housing on the basis of the benefits heretofore made available to them through certain government guarantees of loans to veterans for the purchase of residential property; that the clearance, replanning and preparation for rebuilding of these areas, the prevention or the reduction of blight and its causes, and the providing of safe and sanitary dwelling accommodations 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; that residential construction activity is closely correlated with general economic activity and that the undertakings authorized by this chapter to aid the production of better housing and more desirable neighborhood and community development at lower costs will make possible a more stable and larger volume of residential construction which will assist materially in achieving and maintaining full employment; and that it is in the public interest that advance preparations for such projects and activities be made now, and that the necessity in the public interest for the provisions hereinafter enacted is hereby declared as a matter of legislative determination.

Sec. 3. Creation of city and town authorities. In each city, and in each town there is hereby created a public body corporate and politic to be known as the "Housing Authority" of the city or town; provided, however, that such authority shall not transact any business or exercise its powers hereunder until or unless the governing body of the city or the annual meeting of the town, as the case may be, by proper resolution shall declare at any time hereafter that there is need for an authority to function in such

city or town; and provided further that any housing authority created and existing pursuant to chapter 260 of the public laws of 1943 shall, notwithstanding the expiration of that chapter, continue in existence for the purposes of and shall have the powers granted by this chapter if the governing body of the city or annual meeting of the town for which such housing authority was created declares by proper resolution that there is need for such housing authority to exercise the powers granted by this chapter. The governing body of the city, or the annual meeting of the town shall give consideration as to the need for an authority on its own motion or upon the filing with the mayor or the selectmen, as the case may be, of a petition signed by 25 qualified voters of the city or town, as the case may be, asserting that there is need for an authority to function in such city or town and requesting that its governing body or the annual meeting of the town so declare. The governing body of the city, or the annual meeting of the town shall adopt a resolution declaring that there is need for an authority in the city or town, as the case may be, if it shall find that insanitary or unsafe inhabited dwelling accommodations, or blighted areas, exist in such city or town, or that there is a shortage of safe or sanitary dwelling accommodations in such city or town available to persons of low income at rentals or prices they can afford.

Upon the adoption of a resolution as aforesaid by the governing body of a city, or the annual meeting of a town, the mayor of the city, or the selectmen of the town, as the case may be, shall proceed to appoint the commissioners of the authority as hereinafter provided.

Sec. 4. Appointment, qualifications, tenure and meetings of commissioners. Each authority shall have 5 commissioners appointed, in the case of a city by the mayor, with the advice and consent of the governing body of the city, and appointed, in the case of a town, by the selectmen; provided that no commissioner shall be appointed until the authority is authorized to function as provided in section 3 hereof. The commissioners who are first appointed pursuant to this chapter shall be designated to serve for terms of 1, 2, 3, 4, and 5 years, respectively, from the date of their appointment, and thereafter commissioners shall be appointed as aforesaid for a term of office of 5 years except that all vacancies shall be filled for the unexpired term, all such appointments to be made in the same manner as the original appointment.

Each authority shall elect a chairman and vice-chairman from among the commissioners. An authority may employ a secretary, who shall be executive director, and technical experts and such other officers, agents and employees, as it may require, and shall determine their qualifications, duties and compensation. An authority may require the chief law officer of the

city or town to render it legal service without cost, or may employ its own counsel and legal staff. It may delegate to its agents or employees such powers or duties as it may deem proper.

A commissioner shall receive no compensation for his services, but shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his duties. Each commissioner shall hold office until his successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the authority and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner.

Sec. 5. Interested commissioners or employees. No commissioner or employee of an authority shall acquire any interest direct or indirect in any project or in any property included or planned to be included in any project, or in any contract or proposed contract for materials or services to be furnished or used in connection with any project. If any commissioner or employee of an authority previously owned or controlled an interest direct or indirect in any property included or planned to be included in any project, he immediately shall disclose such interest in writing to the authority and such disclosure shall be entered upon the minutes of the authority. Failure so to disclose such interest shall constitute misconduct in office. Upon disclosure of interest, such commissioner or employee shall not participate in any action by the authority affecting such property.

Sec. 6. Removal of commissioners. For inefficiency or neglect of duty or misconduct in office, a commissioner may be removed after a hearing by the governing body of the city, or the selectmen of the town, as the case may be, provided that 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, together with the charges and findings thereon, shall be filed in the office of the clerk.

Sec. 7. Powers of authority. An authority shall constitute a public body corporate and politic, exercising public and essential governmental functions, and having all the powers necessary to carry out and effectuate the purposes and provisions of this chapter, but not the power to levy and collect taxes or special assessments, including the following powers in addition to others herein granted:

I. To sue and to be sued; to have a seal and to alter the same at pleasure; to have perpetual succession; to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the board; and to make and from time to time amend and repeal by-

laws, rules and regulations, not inconsistent with this chapter, to carry into effect the powers and purposes of the authority.

II. Within its area of operation: to prepare, carry out, acquire, lease and operate housing projects and to provide for the construction, reconstruction, improvement, extension, alteration or repair of any housing project or any part thereof.

III. To undertake and carry out studies and analyses of the housing needs within its area of operation and of the meeting of such needs, including data with respect to population and family groups and the distribution thereof according to income groups, the amount and quality of available housing and its distribution according to rentals and sales prices, employment, wages and other factors affecting the local housing needs and the meeting thereof, and to make the results of such studies and analyses available to the public and the building, housing and supply industries; and to engage in research and disseminate information on housing.

IV. To arrange or contract for the furnishing by any person or agency, public or private, of services, privileges, works, or facilities for, or in connection with its housing projects or the occupants thereof; and, notwithstanding anything to the contrary contained in this chapter or in any other provision of law, to include in any contract let in connection with a project, stipulations requiring that the contractor and any subcontractors comply with requirements as to minimum wages and maximum hours of labor, and comply with any conditions attached to the financial aid of the project.

V. To lease or rent any dwellings, accommodations, lands, buildings, structures or facilities embraced in any housing project and, subject to the limitations contained in this chapter, to establish and revise the rents or charges therefor; to own, hold and improve real or personal property; to purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise or otherwise any real or personal property or any interest therein; to acquire, by the exercise of the power of eminent domain, any real property; to sell, lease, exchange, transfer, assign, pledge or dispose of any real or personal property or any interest therein; to insure or provide for the insurance of any real or personal property or operations of the authority against any risks or hazards; to procure or agree to the procurement of government insurance or guarantees of the payment of any bonds or parts thereof issued by an authority, including the power to pay premiums on any such insurance.

VI. To invest any funds held in reserves of sinking funds or any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control; to redeem its bonds at the redemption price established therein or to purchase its bonds at less than such redemption price, all bonds so redeemed or purchased to be cancelled.

VII. Within its area of operation: to determine where slum areas exist or where there is a shortage of safe and sanitary dwelling accommodations for persons of low income; to make studies and recommendations relating to the problem of clearing, replanning and reconstructing of slum areas and the problem of providing dwelling accommodations for persons of low income; and to cooperate with the city or town, the county, the state or any political subdivision thereof in action taken in connection with such problems.

VIII. Acting through one or more commissioners or other persons designated by the authority: to conduct examinations and investigations and to hear testimony and take proof under oath at public or private hearings on any matter material for its information; to administer oaths, issue subpoenas requiring the attendance of witnesses or the production of books and papers and to issue commissions for the examination of witnesses who are outside of the state or unable to attend before the authority or excused from attendance; to make available to appropriate agencies, including those charged with the duty of abating or requiring the correction of nuisances or like conditions or of demolishing unsafe or insanitary structures within its area of operation, its findings and recommendations with regard to any building or property where conditions exist which are dangerous to the public health, morals, safety or welfare.

IX. To exercise all or any part or combination of powers herein granted.

Sec. 8. Operation of housing not for profit. It is hereby declared to be the policy of this state that each authority shall manage and operate its housing projects in an efficient manner so as to enable it to fix the rentals or payments for dwelling accommodations at low rates consistent with its providing decent, safe and sanitary dwelling accommodations for persons of low income and that no authority shall construct or operate any housing project for profit, or as a source of revenue to the municipality. To this end, an authority shall fix the rentals or payments for dwellings in its projects at no higher rates than it shall find to be necessary in order to produce revenues which, together with all other available moneys, revenues, income and receipts of the authority from whatever sources derived, will be sufficient (a) to pay, as the sums become due, the principal and interest

on the bonds of the authority; (b) to create and maintain such reserves as may be required to assure the payment of principal and interest as it becomes due on its bonds; (c) to meet the cost of, and to provide for, maintaining and operating the projects, including necessary reserves therefor and the cost of any insurance, and the administrative expenses of the authority; and (d) to make such payments in lieu of taxes as it determines are consistent with the maintenance of the low-rent character of projects.

Sec. 9. Housing rentals and tenant admissions; veterans preference. In the operation or management of housing projects an authority shall at all times observe the following duties with respect to rentals and tenant admissions; (a) it may rent or lease the dwelling accommodations therein only to persons of low income and at rentals within the financial reach of such persons of low income; (b) it may rent or lease to a tenant, dwelling accommodations consisting of the number of rooms, but no greater number, which it deems necessary to provide safe and sanitary accommodations to the proposed occupants thereof without overcrowding; and (c) an authority in its operations within a city or town shall not accept any person or persons as tenants in any housing project if the person or persons who occupy the dwelling accommodations have an aggregate annual net income, less an exemption of \$100 for each minor member of the family, in excess of 5 times the annual rental of the quarters to be furnished such person or persons; in computing the rental for this purpose of admitting tenants, there shall be included in the rental the average annual cost, as determined by the authority, to occupants, of heat, water, electricity, gas, cooking fuel and other necessary services or facilities, whether or not the charge for such services and facilities is included in the rental.

In the selection of tenants for housing projects, a housing authority shall give preference, as among applicants equally in need and eligible for occupancy of the dwelling at the rent involved, to families of veterans and servicemen, including families of deceased veterans or servicemen, where an application for admission is made not later than 5 years after March 1, 1949; and as among such families first preference shall be given to families of disabled veterans whose disability has been determined by the veterans' administration to be service-connected. As used in this chapter, the term "veteran" shall mean a person who has served in the active military or naval service of the United States at any time on or after September 16, 1940, and prior to July 26, 1947, and who shall have been discharged or released therefrom under conditions other than dishonorable; and the term "serviceman" shall mean a person in the active military or naval service of the United States who has served therein on or after September 16, 1940, and prior to July 26, 1947.

Nothing contained in this or the preceding section shall be construed as limiting the power of an authority to vest in an obligee the right, in the event of a default by the authority, to take possession of a project or cause the appointment of a receiver thereof, free from all the restrictions imposed by this or the preceding section.

Sec. 10. Cooperation between authorities. Any 2 or more authorities may join or cooperate with one another in the exercise of any or all of the powers conferred hereby for the purpose of financing, planning, undertaking, constructing or operating a housing project or projects located within the area of operation of any one or more of said authorities.

Sec. 11. Planning, zoning and building laws. All projects of an authority shall be subject to the planning, zoning, sanitary and building laws, ordinances and regulations applicable to the locality in which the project is situated. In the planning and location of any project, an authority shall conform to any larger or long-range program for the development of the area in which the project is located.

Sec. 12. Bonds. An authority shall have power to issue bonds from time to time in its discretion, for any of its corporate purposes. An authority shall also have power to issue refunding bonds for the purpose of paying or retiring bonds previously issued by it. An authority may issue such types of bonds as it may determine, including, without limiting the generality of the foregoing, bonds on which the principal and interest are payable; exclusively from the income and revenues of the project financed with the proceeds of such bonds; exclusively from the income and revenues of certain designated projects whether or not they are financed in whole or in part with the proceeds of such bonds; or from its revenues generally. Any such bonds may be additionally secured by a pledge of any grant or contributions from the federal government or other source, or a pledge of any income or revenues of the authority, or a mortgage of any project, projects or other property of the authority.

Bonds of an authority shall be authorized by its resolution and may be issued in one or more series and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, not exceeding 6% per year, be in such denomination or denominations, be in such form either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption with or without premium, as such resolution, its trust indenture or mortgage may provide.

In case any of the commissioners or officers of the authority whose signatures appear on any bonds or coupons shall cease to be such commissioners or officers before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such commissioners or officers had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this chapter shall be fully negotiable.

The bonds may be sold at public or private sale at not less than par. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this act shall be fully negotiable.

Neither the commissioners of an authority nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof. The bonds and other obligations of an authority, and such bonds and obligations shall so state on their face, shall not be a debt of the municipality, the state or any political subdivision thereof and neither the municipality, nor the state or any political subdivision thereof shall be liable thereon, nor in any event shall such bonds or obligations be payable out of any funds or properties other than those of said authority. The bonds shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction. Bonds of an authority are declared to be issued for an essential public and governmental purpose and to be public instrumentalities and, together with interest thereon and income therefrom, shall be exempt from taxes.

In any suit, action or proceedings involving the validity or enforceability of any bond of an authority or the security therefor, any such bond reciting in substance that it has been issued by the authority to aid in financing a project, as herein defined, shall be deemed to have been issued for such purpose, and such project shall be deemed to have been planned, located and carried out in accordance with the purposes and provisions of this chapter.

Sec. 13. Provisions of bonds, trust indentures and mortgages. In order to secure the payment of its bonds, an authority, in addition to its other powers, shall have power:

- I. To pledge all or any part of its gross or net rents, fees or revenues, including any grants or contributions from the federal government or other source, to which its right then exists or may thereafter come into existence.
- II. To mortgage all or any part of its real or personal property, then owned or thereafter acquired.

III. To covenant against pledging all or any part of its rents, fees and revenues, or against mortgaging all or any part of its real or personal property, to which its right or title then exists or may thereafter come into existence or against permitting or suffering any lien on such revenues or property; to covenant with respect to its right to sell, lease or otherwise dispose of any housing project or any part thereof; and to covenant as to what other or additional debts or obligations may be incurred by it.

IV. To covenant against extending the time for the payment of its bonds or interest thereon, and to covenant for the redemption of the bonds and to provide the terms and conditions thereof.

V. To prescribe the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto and the manner in which such consent may be given.

VI. To covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition or obligation; and to covenant and prescribe as to events of default and terms and conditions upon which any or all of its bonds or obligations shall become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived.

VII. To exercise all or any part or combination of the powers herein granted; to make such other covenants and to do such acts and things as may be necessary or desirable in order to secure its bonds, or, in the absolute discretion of said authority, as will tend to make the bonds more marketable, notwithstanding that such covenants, acts or things may not be enumerated herein.

Sec. 14. Remedies of an obligee. An obligee of an authority shall have the right in addition to all other rights which may be conferred on such obligee, subject only to any contractual restrictions binding upon such obligee:

I. By mandamus, suit, action or proceeding at law or in equity to compel said authority and the commissioners, officers, agents or employees thereof to perform each and every term, provision and covenant contained in any contract of said authority with or for the benefit of such obligee, and to require the carrying out of any or all such covenants and agreements of said authority and the fulfillment of all duties imposed upon said authority by this chapter.

II. By suit, action or proceeding in equity, to enjoin any acts or things

which may be unlawful, or the violation of any of the rights of such obligee of said authority.

Sec. 15. Additional remedies conferrable by authority. An authority shall have power by its resolution, trust indenture, mortgage, lease or other contract to confer upon any obligee holding or representing a specified amount in bonds, the right, in addition to all rights that may otherwise be conferred, upon the happening of an event of default as defined in such resolution or instrument, by suit, action or proceeding in any court of competent jurisdiction:

- I. To cause possession of any project or any part thereof to be surrendered to any such obligee.
- II. To obtain the appointment of a receiver of any project of the authority or any part thereof and of the rents and profits therefrom.
- III. To require said authority and the commissioners thereof to account as if it and they were the trustees of an express trust.

Sec. 16. Exemption of property from execution sale. All real property of an authority shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against the same nor shall any judgment against an authority be a charge or lien upon its real property; provided, however, that the provisions of this section shall not apply to or limit the right of obligees to foreclose or otherwise enforce any mortgage or other security of an authority or the right of obligees to pursue any remedies for the enforcement of any pledge or lien given by an authority on its rents, fees or revenues or the right of the federal government to pursue any remedies conferred upon it pursuant to the provisions of this chapter.

Sec. 17. Aid from federal government. In addition to the powers conferred upon an authority by other provisions of this chapter, an authority is empowered to borrow money or accept contributions, grants or other financial assistance from the federal government for or in aid of any project within its area of operation, to take over or lease or manage any project or undertaking constructed or owned by the federal government, and to those ends, to comply with such conditions and enter into such mortgages, trust, indentures, leases or agreements as may be necessary, convenient or desirable. In any contract with the federal government for annual contributions to the authority, the authority may obligate itself, which obligation shall be specifically enforceable and shall not constitute a mortgage, notwithstanding any other laws, to convey to the federal government the project to which such contract relates, upon the occurrence of a sub-

stantial default with respect to the covenants or conditions to which the authority is subject; such contract may further provide that in case of such conveyance, the federal government may complete, operate, manage, lease, convey or otherwise deal with the project in accordance with the terms of such contract; provided, that the contract requires that, as soon as practicable after the federal government is satisfied that all defaults by reason of which it shall have acquired the project have been cured and that the project will thereafter be operated in accordance with the terms of the contract, the federal government shall reconvey to the authority the project as then constituted. It is the purpose and intent of this chapter to authorize every authority to do any and all things necessary or desirable to secure the financial aid or cooperation of the federal government in the undertaking, construction, maintenance or operation of any project by such authority; provided, however, that no authority shall enter into any contract for loans, grants, contributions or other financial assistance with the federal government for any project unless or until the governing body of its city, or the annual meeting of its town, as the case may be, shall, by resolution duly adopted, have approved its entering into such contract.

Sec. 18. Eminent domain. An authority shall have the right to acquire by the exercise of the power of eminent domain any real property which it may deem necessary for its purposes under this chapter after the adoption by it of a resolution declaring that the acquisition of the real property described therein is necessary for such purposes. An authority may exercise the power of eminent domain in the manner provided in sections 11 to 22, inclusive, of chapter 48 of the revised statutes of Maine, 1944, and acts amendatory thereof or supplementary thereto; or it may exercise the power of eminent domain in the manner provided by any other applicable statutory provisions for the exercise of the power of eminent domain.

Sec. 19. Housing bonds legal investments and security. The state and all public officers, municipal corporations, political subdivisions, and public bodies, all banks, bankers, trust companies, savings banks and institutions, investment companies, insurance companies, insurance associations and other persons carrying on a banking or insurance business, and all executors, administrators, guardians, trustees and other fiduciaries may legally invest any sinking funds, moneys or other funds belonging to them or within their control in any bonds or other obligations issued by a housing authority created by or pursuant to this chapter or issued by any public housing authority or agency in the United States, when such bonds or other obligations are secured by a pledge of annual contributions to be paid by the federal government, and such bonds and other obligations shall be authorized security for all public deposits and shall be fully negotiable in

this state; it being the purpose of this chapter to authorize any of the foregoing to use any funds owned or controlled by them, including, but not limited to, sinking, insurance, investment, retirement, compensation, pension and trust funds, and funds held on deposit, for the purchase of any such bonds or other obligations; provided, however, that nothing contained in this chapter shall be construed as relieving any person, firm or corporation from any duty of exercising reasonable care in selecting securities. The provisions of this chapter shall apply notwithstanding any restrictions on investments contained in other laws.

Sec. 20. Cooperation in undertaking projects. Any state public body may upon such terms, with or without consideration, as it may determine:

I. Dedicate, sell, convey or lease any of its interest in any property, or grant easements, licenses or any other rights or privileges therein to a housing authority;

II. Cause parks, playgrounds, recreational, community, educational, water, sewer or drainage facilities, or any other works which it is otherwise empowered to undertake, to be furnished adjacent to or in connection with any project;

III. Furnish, dedicate, close, pave, install, grade, re-grade, plan or replan streets, roads, roadways, alleys, sidewalks or other places, in or adjacent to any project;

IV. Plan or replan, zone or rezone any part of such state public body; make exceptions from building regulations and ordinances; any city may change its map;

V. Cause services to be furnished to the housing authority of the character which such state public body is otherwise empowered to furnish;

VI. Enter into agreements with respect to the exercise by such state public body of its powers relating to the repair, closing or demolition of unsafe, insanitary or unfit buildings;

VII. Agree with the housing authority with respect to the payment by the housing authority of such sums in lieu of taxes as are determined by the authority to be consistent with the maintenance of the low-rent character of housing projects or the achievement of the purposes of this chapter;

VIII. Do any and all things, necessary or convenient to aid and cooperate in the planning, undertaking, construction or operation of such projects;

IX. Enter into agreements, which may extend over any period, notwithstanding any provision or rule of law to the contrary, with a housing authority respecting action to be taken by such state public body pursuant to any of the powers granted by this chapter. Any sale, conveyance, lease or agreement provided for in this section may be made by a state public body, public notice, advertisement or public bidding, notwithstanding any other laws to the contrary.

Sec. 21. Advances to housing authority. The municipality for which a housing authority is created shall have the power from time to time to lend or donate money to such authority. When such a loan is made to a housing authority to aid its initial organization or its planning and preparation for projects, the loan may be made upon the condition that the housing authority shall repay the loan out of any money which becomes available to it for the construction of the projects involved.

Sec. 22. Definitions. The following terms, wherever used or referred to in this chapter, shall have the following respective meanings, unless a different meaning clearly appears from the context:

“Authority” or “housing authority” shall mean any of the public corporations created or authorized to be created by this chapter.

“State public body” shall mean any city, town, district or other political subdivision of the state. “Municipality” shall mean city or town as the case may be.

“Governing body” shall mean the city council, or other legislative body charged with governing a city.

The “selectmen” shall mean the board of selectmen of the town, or if the town have no selectmen, the officers charged with the duties customarily imposed on the board of selectmen thereof.

“Mayor” shall mean the mayor of the city and/or if it has a manager, then the manager of the city, or if the city have no mayor or manager, the officer charged with the duties customarily imposed on the executive head thereof.

“Clerk” shall mean the clerk of the city or town or the officer charged with the duties customarily imposed on such clerk.

“Area of operation” of an authority shall mean the area within the territorial boundaries of the city or town for which the authority is created.

“Federal government” shall include the United States of America, the Public Housing Administration, or any other agency or instrumentality, corporate or otherwise of the United States of America.

"Persons of low income" shall mean persons or families who lack the amount of income which is necessary, as determined by the authority undertaking a project, to enable them, without financial assistance, to live in decent, safe and sanitary dwellings, without overcrowding.

"Bonds" shall mean any bonds, notes, interim certificates, debentures or other obligations issued by an authority pursuant to this chapter.

"Obligee of the authority" or "obligee" shall include any bondholder, agents or trustees for any bondholders, or lessor demising to the authority property used in connection with a project, or any assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with the authority.

"Project" or "housing project" shall mean any work or undertaking: (1) to demolish, clear, or remove buildings from any slum area; or (2) to provide decent, safe and sanitary dwellings, apartments or other living accommodations for persons of low income; such work or undertaking may include buildings, land, equipment, facilities and other real or personal property for necessary, convenient or desirable appurtenances, streets, sewers, water service, utilities, parks, site preparation, landscaping, administrative, community, health, recreational, welfare or other purposes; or (3) to accomplish a combination of the foregoing. The terms "project" or "housing project" also may be applied to the planning of the buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration and repair of the improvements and all other work in connection therewith.

Sec. 23. Severability. Notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provision of this chapter, or the application thereof to any person or circumstance, is held invalid, the remainder of the chapter and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.'

Effective August 6, 1949

Chapter 442

AN ACT Relating to Interstate Transportation of Shellfish.

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

R. S., c. 34, § 89, repealed and replaced. Section 89 of chapter 34 of the revised statutes, as revised, is hereby repealed and the following enacted in place thereof: