

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
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3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
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5 Legislative Document

No. 589

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7 H.P. 492

House of Representatives, February 7, 1983

8 Received by the Clerk of the House on February 7, 1983. Referred to the  
9 Committee on State Government and ordered printed pursuant to Joint Rule  
14.

EDWIN H. PERT, Clerk

10 Presented by Representative Gauvreau of Lewiston.

Cosponsors: Representative Zirkilton of Mount Desert, Representative  
Jacques of Waterville and Representative Handy of Lewiston.

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11 STATE OF MAINE  
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14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-THREE  
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17 AN ACT Relating to Recoupment of Moneys  
18 Expended in the State Weatherization  
19 Program and the Establishment of a  
20 Permanent Revolving State Weatherization  
21 Fund.  
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23 Be it enacted by the People of the State of Maine as  
24 follows:

25 Sec. 1. 22 MRSA §5204, sub-§2, as amended by PL  
26 1981, c. 233, §2, is further amended to read

27 2. Federal aid. To accept from any authorized  
28 agency of the Federal Government or the state grants  
29 for the home winterization program and to enter into  
30 agreements with such agency respecting any such  
31 grants, and to receive and accept aid and contribu-  
32 tions from any source of either money, property,  
33 labor or other things of value, to be held, used and  
34 applied for only the purposes for which such loans,

1 grants and contributions may be made. The Division of  
2 Community Services shall make every effort to retain  
3 any surplus money from grants for other programs to  
4 use in winterization or related programs; and

5 Sec. 2. 22 MRSA §5204, sub-§3, as enacted by PL  
6 1977, c. 571, §1, is amended to read:

7 3. Rules and regulations. To make rules and  
8 regulations, after hearing, to include the disburse-  
9 ment of funds to subcontracting agencies and orga-  
10 nizations, the uses for which the moneys provided to  
11 subcontracting agencies and organizations may be  
12 expended, and reports by subcontracting agencies to  
13 the Division of Community Services concerning the  
14 results of the winterization program; and

15 Sec. 3. 22 MRSA §5204, sub-§4 is enacted to  
16 read:

17 4. Home Winterization Revolving Fund; lien  
18 established. To establish and administer within the  
19 division the Home Winterization Revolving Fund to  
20 assist in the financing of future home winterization  
21 programs. The fund shall consist of moneys expended  
22 in the home winterization program recouped by the  
23 division from program recipients as follows.

24 A. The receipt of benefits under this program  
25 shall constitute an assignment by the owner of  
26 the structure in which winterization services are  
27 provided to the division, to reimburse the divi-  
28 sion for moneys expended in the provision of  
29 winterization services. The division's assigned  
30 right to recover shall be limited to the amount  
31 of winterization services provided by the recip-  
32 ient. The assignment established shall mature  
33 upon the transfer of the owner's interest in the  
34 structure. The recipient and owner shall also be  
35 deemed to have appointed the Director of the  
36 Division of Community Services as their attorney  
37 in fact to enforce the assignment upon the trans-  
38 fer of any interest in the structure.

39 As used in this subsection, "structure" means a  
40 building or other place designed to provide pro-

1           tection for persons or property against weather  
2           or intrusion, but does not include vehicles and  
3           other conveyances whose primary purpose is trans-  
4           portation of persons or property, unless that  
5           vehicle or conveyance, or a section thereof, is  
6           also a dwelling place.

7           B. The filing with the registry of deeds in the  
8           county wherein the structure is located of a  
9           notice, as described in this paragraph, shall  
10          create a lien in favor of the division in the  
11          structure being provided winterization services  
12          in an amount equal to the moneys expended by the  
13          division or its authorized agencies in the provi-  
14          sion of winterization services. A lien created  
15          by this paragraph is void unless the director  
16          notifies the owner of the structure, by certified  
17          mail to his last known address, of the existence  
18          of the lien and files proof thereof with the  
19          registry of deeds. The notice shall contain the  
20          following:

21                   (1) The fact that a lien has been filed;

22                   (2) Date and place the lien was filed;

23                   (3) The amount of the moneys expended in  
24                   the provision of winterization services to  
25                   the structure in question;

26                   (4) The name and address of the Division of  
27                   Community Services;

28                   (5) The following statement: "To dissolve  
29                   this lien, please contact the Division of  
30                   Community Services for information regarding  
31                   satisfaction of the lien established against  
32                   your property;" and

33                   (6) The lien established in this paragraph  
34                   shall mature upon the transfer of the  
35                   owner's interest in the structure. All  
36                   moneys recouped by the division shall be  
37                   dedicated to the Home Winterization Revolv-  
38                   ing Fund.

39           C. The following transfers shall be exempt from  
40           the lien established under this subsection:

