

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1698

7 H.P. 1281

House of Representatives, May 26, 1983

8 Reference to the Committee on State Government is suggested. Ordered
9 printed and sent up for concurrence.

10 Submitted by the Department of Community Services pursuant to Joint
Rule 24.

EDWIN H. PERT, Clerk

Presented by Representative Jacques of Waterville.

11 Cosponsors: Senator Diamond of Cumberland and Representative
McGowan of Pittsfield.

12 STATE OF MAINE
13

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

17 AN ACT Amending and Expanding the
18 Home Winterization Program Statute.
19

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

22 Sec. 1. 22 MRSA §5201, as enacted by PL 1977, c.
23 571, §1, is amended to read:

24 §5201. Provision of funds

25 The Legislature finds that many homes in which
26 the low income elderly, disabled and other low income
27 families live have not been constructed to suffi-
28 ciently protect the occupants from winter weather. As
29 a result, many of these families have experienced
30 health problems and great discomfort. Many of the
31 elderly, disabled and other low income people lack
32 the means to finance retrofitting or ~~winterization~~
33 weatherize their homes. The Legislature, therefore,
34 declares it to be in the public interest to provide

1 funds for the implementation of the winterization
2 program fuel assistance and weatherization programs
3 in Maine in order to provide greater comfort for low
4 income people and to conserve energy within the
5 State.

6 Sec. 2. 22 MRSA §5202, as enacted by PL 1977, c.
7 571, §1, is repealed and the following enacted in its
8 place:

9 As used in this chapter, unless the context
10 otherwise indicates, the following terms shall have
11 the following meanings.

12 1. Fuel assistance. "Fuel assistance" means
13 assistance paid to fuel vendors on behalf of an eli-
14 gible household or directly to eligible tenants who
15 pay heating costs as an undesignated portion of rent.

16 2. Handicapped. "Handicapped" means any indi-
17 vidual:

18 A. Who is a handicapped individual as defined in
19 section 7, subsection 6 of the Rehabilitation
20 Act of 1973;

21 B. Who is under a disability as defined in the
22 United States Social Security Act, Section 1614
23 (a), (3), (A) or Section 223 (d), (1), or in
24 United States Developmental Disabilities Services
25 and Facilities Construction Act, Section 102,
26 subsection 7; or

27 C. Who is receiving benefits under the United
28 States Code, Title 38, Chapter 11 or 15.

29 3. Household. "Household" means any individual
30 or group of individuals who are living together as
31 one economic unit for whom residential energy is cus-
32 tomarily purchased in common or who makes
33 undesignated payments for energy in the form of rent.

34 4. Low income. "Low income" means the income of
35 a household that is no more than 150% of the income
36 guidelines as established by the United States
37 Department of Health and Human Services or a house-
38 hold whose head of household receives Aid to Families

1 with Dependent Children or supplemental security ben-
2 efits and no other income.

3 5. Elderly. "Elderly" means a person of 60
4 years or older.

5 6. Weatherization. "Weatherization" means
6 making home repairs and energy saving improvements to
7 minimize heat loss and improve thermal efficiency.
8 Components include, but are not limited to, materials
9 to minimize heat loss through infiltration; installa-
10 tion of a balanced combination of energy saving home
11 improvements, including insulation and storm windows
12 and doors; and, where needed, the adjustment, re-
13 placement and repair of heating systems.

14 Sec. 3. 22 MRSA §5203, sub-§1, as enacted by PL
15 1977, c. 571, §1, is amended to read:

16 1. Administering organization. The Executive
17 Department, Division of Community Services, shall ad-
18 minister programs for ~~winterization~~ weatherization as
19 defined in section 5202, subsection 5 6, and fuel
20 assistance as defined in section 5202, subsection 1.

21 Sec. 4. 22 MRSA §5203, sub-§2, as enacted by PL
22 1977, c. 571, §1, is repealed and the following
23 enacted in its place:

24 2. Priorities. The priorities of the
25 weatherization program shall be as follows:

26 A. Households which are eligible for fuel assis-
27 tance benefits and which include:

28 (1) An elderly household member;

29 (2) A household member who is handicapped;
30 or

31 (3) A household member who is under 24
32 months of age;

33 B. All other low income households which are
34 eligible for fuel assistance benefits; and

35 C. All other low income households.

1 Sec. 5. 22 MRSA §5203, sub-§3, as enacted by PL
2 1981, c. 233, §1, is repealed and the following
3 enacted in its place:

4 3. Fuel assistance limitations. No work under
5 this subsection may be undertaken for any household
6 which is not eligible for fuel assistance in advance
7 of work for households which are eligible for fuel
8 assistance. All work under this subsection shall be
9 within the limitations of federal budget constraints
10 and federal regulations.

11 Sec. 6. 22 MRSA §5203, sub-§4 is enacted to
12 read:

13 4. Coordination of weatherization and fuel
14 assistance programs. The weatherization and fuel
15 assistance programs shall, to the extent practicable,
16 operate with common application and intake proce-
17 dures, joint application and financial forms and
18 identical outreach and certification personnel. The
19 Division of Community Services shall make every
20 effort to streamline and simplify the administration
21 of both programs in order to facilitate a single
22 application process for all common applicants.

23 Sec. 7. 22 MRSA §5204, as amended by PL 1981, c.
24 233, §2, is further amended to read:

25 §5204. Powers and duties

26 The Division of Community Services shall have the
27 following powers and duties in order to implement the
28 home ~~winterization program~~ weatherization and fuel
29 assistance programs:

30 1. Federal contracts. To enter into contracts
31 with the Government of the United States or any
32 agency or instrumentality thereof, with the State or
33 any agency or instrumentality thereof, or with any
34 other municipality, district, private corporation,
35 copartnership, association or individual providing
36 for or relating to the ~~winterization program~~
37 weatherization and fuel assistance programs;

38 2. Federal aid. To accept from any authorized
39 agency of the Federal Government or the state grants

1 for the home winterization program weatherization and
2 fuel assistance programs and to enter into agreements
3 with such agency respecting any such grants, and to
4 receive and accept aid and contributions from any
5 source of either money, property, labor or other
6 things of value, to be held, used and applied for
7 only the purposes for which such loans, grants and
8 contributions may be made. The Division of Community
9 Services shall make every effort to retain any sur-
10 plus money from grants for other programs to use in
11 winterization weatherization, fuel assistance or
12 related programs; and

13 3. Rules and regulations. To make rules and
14 regulations, after hearing, to include the disburse-
15 ment of funds to subcontracting agencies and orga-
16 nizations, the uses for which the moneys provided to
17 subcontracting agencies and organizations may be
18 expended, and reports by subcontracting agencies to
19 the Division of Community Services concerning the
20 results of the winterization program weatherization
21 and fuel assistance programs.

22 The Division of Community Services shall review
23 and evaluate the home winterization program
24 weatherization and fuel assistance programs and
25 report its findings to the Legislature.

26 Sec. 8. 22 MRSA §5205 is enacted to read:

27 §5205. Confidentiality of records

28 1. Confidentiality. Records containing the fol-
29 lowing information shall be deemed confidential and
30 shall not be considered public records for the pur-
31 poses of Title 1, section 402, subsection 3:

32 A. Any information acquired by a local program
33 operator of the weatherization or fuel assistance
34 programs, by a participating fuel vendor, by a
35 private contractor providing services to a local
36 program operator or an employee or agent of any
37 of those persons when that information was pro-
38 vided by an applicant for weatherization or by
39 any 3rd person pertaining to that application;

1 B. Any statements of financial condition or
2 information pertaining thereto submitted to a
3 local program operator of the weatherization or
4 fuel assistance programs or to an employee or
5 agent thereof in connection with an application
6 for weatherization or fuel assistance.

7 2. State agencies; access. Notwithstanding sub-
8 section 1, any agency of the State which has a
9 legitimate reason to know shall be given access to
10 those records.

11 3. Waiver of protection. Nothing in this
12 section may be construed to limit in any way the
13 right of any person whose interest is protected by
14 this section to waive, in writing or otherwise, the
15 benefits of protection.

16 4. Reports to State Government or Federal Gov-
17 ernment. Notwithstanding subsection 1, the Division
18 of Community Services may make such full and complete
19 reports concerning its administration of
20 weatherization and fuel assistance programs as may be
21 required by the Legislature, the Federal Government
22 or any agency or department thereof.

23 STATEMENT OF FACT

24 This bill accomplishes the following.

25 1. It provides for the coordination of
26 weatherization and fuel assistance programs in order
27 to reduce administrative costs.

28 2. It ensures that applicant records need not be
29 disclosed under the freedom of access laws and are
30 kept confidential under the state regulations for
31 both programs. Due to the passage of the United
32 States Low Income Home Energy Assistance Block Grant
33 Act of 1981, no statutory guarantee of confidential-
34 ity is any longer in place.

35 3. It eliminates inconsistencies between the
36 definition section and legislation, with particular
37 reference to the definition of household and handi-
38 capped.

1 4. It establishes explicit priorities for
2 weatherization services which are consistent with
3 federal requirements.

4 5. It grants the Division of Community Services
5 explicit rule-making authority for the fuel assis-
6 tance (Home Energy Assistance) program consistent
7 with the Maine Administrative Procedure Act, Title 5,
8 chapter 375.

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