

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 123

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H.P. 88

House of Representatives, January 11, 1991

Reference to the Committee on Taxation suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative DiPIETRO of South Portland.

Cosponsored by Representative LAWRENCE of Kittery and Representative PLOURDE of Biddeford.

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STATE OF MAINE

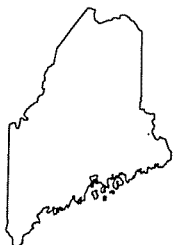
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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

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**An Act to Establish a Fund to Assist Elderly Victims of Fires.**

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

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Sec. 1. 22 MRSA §5106, sub-§2, ¶E, as amended by PL 1989, c. 329, §16, is further amended to read:

E. Conducting a continuous evaluation of the impact, quality and value of facilities, programs and services, including their administrative adequacy and capacity. Activities operated by or with the assistance of the State and Federal Governments shall must be evaluated. Activities to be included, but to which the bureau shall is not be limited, are those relating to education, employment and vocational services, income, health, housing, transportation, community, social, rehabilitation, protective services and public guardianship or conservatorship for older people and incapacitated and dependent adults and programs such as the supplemental security income program, Medicare, Medicaid, property tax refunds and the setting of standards for the licensing of nursing, intermediate care and boarding homes. Included ~~shall be~~ are activities as authorized by this and so much of the several Acts and amendments to them enacted by the people of the State, and those authorized by United States Acts and amendments to them such as the:

~~(1) -- Elderly Householders Tax and Rent Refund Act of 1971;~~

(1) Maine Residents Property Tax Program;

(2) Priority Social Services Act of 1973;

(3) Chapter 470 of the public laws of 1969 creating the State Housing Authority;

(4) United States Social Security Act of 1935;

(5) United States Housing Act of 1937;

(6) United States Older Americans Act of 1965;

(7) United States Age Discrimination Act of 1967;

(8) Home Based Care Act of 1981;

(9) Congregate Housing Act of 1979;

(10) Adult Day Care Services Act of 1983;

(11) Adult Day Care Licensing Act of 1987;

(12) Adult Protective Services Act of 1981; and

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(13) The Uniform Probate Code, Title 18-A; and

(14) The Elderly Persons Uninsured Fire Assistance Fund;

Sec. 2. 22 MRSA §5106-A is enacted to read:

**§5106-A. Elderly Persons Uninsured Fire Assistance Fund**

1. Establishment. There is established the Elderly Persons Uninsured Fire Assistance Fund.

2. Funds. The fund receives money deposited by the Treasurer of State pursuant to Title 36, section 5286. All money deposited in the fund, and the earnings on the money, must remain in the fund to be used for uninsured fire assistance and for necessary associated administrative and personnel costs, and may not be deposited with the General Fund, or any other fund, except as otherwise provided by law.

3. Report and allocation. The commissioner shall include a report on the Elderly Persons Uninsured Fire Assistance Fund as part of the report submitted to the Governor pursuant to section 41. This report must also be submitted to the joint standing committee of the Legislature having jurisdiction over insurance matters. The commissioner shall submit a budget for each biennium in accordance with Title 5, sections 1663 to 1666. The State Controller shall authorize expenditures from the fund as allocated by the Legislature.

4. Grants. An elderly person may apply to the bureau for a grant of up to \$1,500 to repair or replace necessary household items destroyed or damaged in an uninsured fire in the elderly person's home if the elderly person had a working smoke detector at home at the time of the fire. The bureau may award grants out of the Elderly Persons Uninsured Fire Assistance Fund.

Sec. 3. 36 MRSA §5286 is enacted to read:

**§5286. Elderly Persons Uninsured Fire Assistance Fund**

1. Elderly Persons Uninsured Fire Assistance Fund. Any taxpayer who when filing a return is entitled to a refund under this Part may designate any part of that refund to be paid into the Elderly Persons Uninsured Fire Assistance Fund established in Title 22, section 5106-A. Every individual resident who is entitled to no refund under this Part may contribute to the fund by including with that resident's return sufficient funds to make the contribution. Each individual income tax return form must contain a designation in substantially the following form:

2 contribution to Elderly Persons Uninsured Fire Assistance Fund:  
3 ( ) \$1, ( ) \$5, ( ) \$10 or ( ) Other \$ .

4 2. Contributions credited to Elderly Persons Uninsured Fire  
5 Assistance Fund. The State Tax Assessor shall determine annually  
6 the total amount contributed pursuant to subsection 1. Prior to  
7 the beginning of the next year, the State Tax Assessor shall  
8 deduct the cost of administering the fund checkoff, not exceeding  
9 \$1,000 annually, and report the remainder to the Treasurer of  
10 State who shall credit that amount to the fund. Interest earned  
11 by contributions in the fund is credited to the fund.

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13 3. Unexpended funds. All funds on deposit in the fund for  
14 3 years and unexpended must be deposited in the General Fund for  
15 use in state real property tax relief.

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18 **STATEMENT OF FACT**

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21 This bill establishes the Elderly Persons Uninsured Fire  
22 Assistance Fund and provides for funding through an income tax  
23 checkoff. The fund, which is to be administered by the Bureau of  
24 Elder and Adult Services, provides grants of up to \$1,500 to  
25 elderly persons to repair or replace necessary household items  
26 destroyed or damaged in an uninsured fire in their homes.