

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 1556

H.P. 1067

House of Representatives, April 16, 1991

Reference to the Committee on Housing and Economic Development suggested and ordered printed.

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

EDWIN H. PERT, Clerk

Presented by Representative MITCHELL of Vassalboro.  
Cosponsored by Senator BRANNIGAN of Cumberland.

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STATE OF MAINE

---

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

---

**An Act to Unify Housing Services.**

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

2  
3 Sec. 1. 5 MRSA §13084, as enacted by PL 1989, c. 875, Pt. M,  
4 §7 and affected by §13, is amended to read:

6 **§13084. Institutional energy conservation programs**

8 The Director of the Energy Conservation Division shall  
9 administer the following energy conservation programs.

10 1. **Federally mandated programs.** The director shall  
11 administer the following federally mandated programs, formerly  
12 administered by the Office of Energy Resources:

13 A. ~~State Energy Conservation Program;~~

14 B. ~~Energy Extension Service; and~~

15 C. Institutional Conservation Program.

16  
17  
18  
19  
20  
21 2. **Energy conservation standards.** The director shall adopt  
22 energy conservation standards and promulgate rules for  
23 administration of the standards and the certification of  
24 nonresidential energy efficient buildings, as defined in Title  
25 10, ~~chapter 214~~ section 1415-D.

26  
27 3. **Approval or denial of certificates.** The director shall  
28 provide for the approval or denial of certificates of energy  
29 efficiency for nonresidential buildings, as required in Title 10,  
30 ~~chapter 214~~ section 1415-D.

31  
32 4. **Preparation of manual.** The director shall prepare the  
33 Manual of Accepted Practices with assistance from the Director of  
34 the Maine State Housing Authority, as described in Title 10,  
35 chapter 214.

36  
37 5. **Review and inspection.** The director shall provide for  
38 the review of plans and specifications and the inspection of  
39 nonresidential buildings to determine compliance with the energy  
40 conservation standards, as described in Title 10, chapter 214.

41  
42 ~~6. Administration of state standards. The director shall~~  
43 ~~administer the state standards for appliance energy efficiency,~~  
44 ~~as established by section 13085.~~

45  
46 ~~7. Rule making authority. If the Residential Conservation~~  
47 ~~Service, as established by the United States Natural Energy~~  
48 ~~Conservation Policy Act, Public Law 95-619, November 9, 1978, as~~  
49 ~~amended by the United States Energy Security Act, Public Law~~  
50 ~~96-294, June 30, 1980, 42 United States Code, Section 8211 et~~  
51 ~~seq., is repealed or amended so as to have the effect of removing~~  
52

2 requirements--for--providing--energy--conservation--information--and  
energy--audits--and--arranging--financing--for--energy--conservation  
4 improvements--for--residential--customers,--the--director--may  
premulgate--rules--pursuant--to--the--Maine--Administrative--Procedure  
6 Act--to--continue--these--services.--In--establishing--these--rules,--the  
director--shall--simplify--federal--rules,--insofar--as--possible,  
8 without--preventing--fulfillment--of--the--program--objectives--and--in  
no--case--may--the--director--impose--rules--containing--additional  
requirements--for--utilities.

10 Until--the--director--promulgates--new--rules--under--this--paragraph,  
12 the--previously--existing--federal--regulations--and--any--state--rules  
implementing--them--are--considered--state--rules--with--full--force.

14 Sec. 2. 5 MRSA §13085, as enacted by PL 1989, c. 875, Pt. M,  
16 §7 and affected by §13, is repealed.

18 Sec. 3. 5 MRSA c. 383, sub-c. III, art. 4, is repealed.

20 Sec. 4. 10 MRSA §1414, sub-§2, as enacted by PL 1979, c. 503,  
§2, is amended to read:

22  
24 2. **Powers and duties.** The advisory council shall approve  
all standards and regulations promulgated under this chapter  
26 prior to their adoption. The advisory council shall review all  
standards and regulations within 90 days from the date they are  
28 received by the council. The advisory council shall provide the  
reasons for the disapproval of any standard or regulation to the  
30 director commissioner in writing and any standard or regulation  
not disapproved within 90 days shall be is deemed to be approved.  
32 The advisory council shall advise the director commissioner in  
his the administration of this chapter and ~~shall conduct an~~  
34 ~~evaluation of these provisions at the end of 2 years following~~  
the ~~effective date of this chapter.~~ The ~~advisory council shall~~  
36 ~~report its findings and recommendations and any necessary~~  
legislation to the Governor and Legislature.

38 Sec. 5. 10 MRSA §1415-C, sub-§§4 to 6, as enacted by PL 1989,  
c. 75, §6, are amended to read:

40  
42 4. **Waiver.** A waiver from subsection 3 may be granted by  
the director commissioner on a case-by-case basis for instances  
44 of renovation as defined by section 1413, subsection 15. In  
regards to the renovation of historic buildings, a waiver shall  
46 must be granted when the Executive Director of the State Historic  
Preservation Commission determines that adherence to the energy  
48 building standards would result in irreparable damage to the  
historic character of a building on the National Register of  
Historic Places, eligible for nomination to the national register  
50 or designated as a historic building by a certified municipal  
historic preservation ordinance. In other instances, such as the  
52 rebuilding of a structure damaged by fire or a historic

2 preservation project when maintaining historic character is not  
an issue, the ~~direeter~~ commissioner may grant a waiver when it  
4 can be shown that the additional cost of meeting the energy  
building standards would make the building renovation  
6 economically infeasible.

8 5. Waiver decision. The ~~direeter~~ commissioner shall render  
a decision on an application for a waiver from the standards  
10 within 30 days of the receipt by the ~~direeter~~ commissioner of a  
complete application for a waiver. In rendering a decision, the  
12 ~~direeter~~ commissioner may place conditions upon the granting of a  
waiver. Failure on the part of the ~~direeter~~ commissioner to  
14 render a decision within the 30-day period shall--constitute  
constitutes approval of the request for the waiver.

16 6. Waiver application. A request for a waiver under  
subsection 4 shall must be submitted to the ~~Office of Energy~~  
18 Resources Department of Economic and Community Development in  
writing and shall must contain the location of the renovation,  
20 the intended use of the building and the names of the owner,  
designer and contractor or builder. If applying for a waiver  
22 under the historic preservation provisions of subsection 4,  
information on the historic character of the building shall must  
24 be provided to the ~~direeter~~ commissioner. If applying for a  
waiver under the economic hardship provisions of subsection 4,  
26 information on the economic infeasibility shall must be provided  
to the ~~direeter~~ commissioner.

28 **Sec. 6. 10 MRSA §1415-E**, as enacted by PL 1987, c. 818, §4,  
30 is amended to read:

32 **§1415-E. Administration of standards**

34 1. Administration. The ~~Office of Energy Resources~~ shall be  
Department of Economic and Community Development is responsible  
36 for the administration and enforcement of the standards  
established in this chapter. In administering these standards,  
38 the ~~Office of Energy Resources~~ Department of Economic and  
Community Development shall:

40 A. Work cooperatively with other state, regional and local  
42 agencies interested in or affected by these standards and  
may, by rules promulgated in accordance with the Maine  
44 Administrative Procedure Act, Title 5, chapter 375,  
distribute to regional planning councils funds made  
46 available for this purpose;

48 B. Revise the Manual of Accepted Practices to incorporate  
these mandatory provisions and make this and other relevant  
50 publications available to the towns and cities of this  
State; and

52

2 C. Collect data from municipalities and regional planning  
4 agencies on the energy construction characteristics of the  
residential units built after January 1, 1989 and include an  
analysis of that data in its biennial energy resources plan.

6 Sec. 7. 10 MRSA §1415-F, as enacted by PL 1989, c. 75, §7, is  
8 amended to read:

10 **§1415-F. Manual of Accepted Practices**

12 The ~~director~~ commissioner shall prepare a Manual of Accepted  
14 Practices, which shall must consist of building procedures and  
building materials to enable builders of one-family and 2-family  
16 structures to conform to the residential standards in section  
1415-C.

18 Sec. 8. 30-A MRSA §4722, sub-§1, ¶U, as enacted by PL 1989, c.  
581, §8, is amended to read:

20 U. Consult with the ~~Maine Affordable Housing Alliance,~~  
22 ~~established in Title 5, chapter 383, subchapter VII,~~ and the  
Interagency Task Force on Homelessness and Housing  
24 Opportunities, as defined in chapter 202, section 5002,  
subsection 9, with respect to the implementation of housing  
26 programs to make the best use of resources and make the  
greatest impact on the affordable housing crisis.

28 Sec. 9. 30-A MRSA c. 201, sub-cc. XIII and XIV are enacted to  
30 read:

32 **SUBCHAPTER XIII**

34 **RESIDENTIAL CONSERVATION PROGRAMS**

36 **§4991. Definitions**

38 As used in this subchapter, unless the context otherwise  
indicates, the following terms have the following meanings.

40 1. Director. "Director" means the Director of the Maine  
State Housing Authority.

42 2. State authority. "State authority" means the Maine  
44 State Housing Authority.

46 **§4992. Administration of residential energy conservation**  
48 **programs; powers and duties**

50 The state authority shall administer residential energy  
conservation programs as provided in this subchapter.

1           1. Federally mandated programs. The director shall  
2 administer the following federally mandated programs formerly  
3 administered by the Department of Economic and Community  
4 Development, Energy Conservation Division:

5           A. State Energy Conservation Program; and

6           B. Energy Extension Service.

7           2. Energy conservation standards. The director shall adopt  
8 energy conservation standards for residential buildings and  
9 promulgate rules for administration of the standards and the  
10 certification of residential energy efficient buildings, as  
11 defined in Title 10, chapter 214.

12           3. Approval or denial of certificates. The director shall  
13 provide for the approval or denial of certificates of energy  
14 efficiency for residential buildings, as required in Title 10,  
15 chapter 214.

16           4. Preparation of manual. The director shall assist the  
17 Commissioner of Economic and Community Development in the  
18 preparation of the Manual of Accepted Practices, as described in  
19 Title 10, chapter 214.

20           5. Review and inspection. The director shall provide for  
21 the review of plans and specifications and the inspection of  
22 residential buildings to determine compliance with the energy  
23 conservation standards, as described in Title 10, chapter 214.

24           6. Administration of state standards. The director shall  
25 administer the state standards for appliance energy efficiency,  
26 as established by section 4993.

27           7. Rule-making authority. If the Residential Conservation  
28 Service, as established by the United States Natural Energy  
29 Conservation Policy Act, Public Law 95-619, November 9, 1978, as  
30 amended by the United States Energy Security Act, Public Law  
31 96-294, June 30, 1980, 42 United States Code, Section 8211 et  
32 seq., is repealed or amended so as to have the effect of removing  
33 requirements for providing energy conservation information and  
34 energy audits and arranging financing for energy conservation  
35 improvements for residential customers, the director may  
36 promulgate rules pursuant to the Maine Administrative Procedure  
37 Act to continue these services. In establishing these rules, the  
38 director shall simplify federal rules, insofar as possible,  
39 without preventing fulfillment of the program objectives and in  
40 no case may the director impose rules containing additional  
41 requirements for utilities.

2 Until the director promulgates new rules under this subsection,  
3 the previously existing federal regulations and any state rules  
4 implementing them are considered state rules with full force.

6 8. Federal, state and other funds. The state authority  
7 shall obtain, distribute and administer federal, state and other  
8 funds for the purpose of weatherization. Any balances of funds  
9 appropriated to the state authority remaining at the end of a  
10 fiscal year may not lapse, but must be carried forward from year  
11 to year to be expended for the same purpose.

12 9. Distribution of funds; proposals. The state authority  
13 shall administer and distribute to community action agencies,  
14 according to Title 5, section 1670, funds received from the  
15 Federal Government for the purpose of energy conservation.

16 §4993. State standards for appliance energy efficiency

18 1. Definitions. As used in this section, unless the  
19 context otherwise indicates, the following terms have the  
20 following meanings.

22 A. "ASHRAE standard" means standards established by the  
23 American Society of Heating, Refrigerating and Air  
24 Conditioning Engineers.

26 B. "Freezer" means a cabinet designed as a unit for the  
27 storage of food at temperatures of about 0° Fahrenheit,  
28 having the ability to freeze food and having a source of  
29 refrigeration requiring an energy input.

32 C. "Manufacturer" means any person or business entity  
33 engaged in the original production or assembly of an  
34 appliance.

36 D. "New appliance" means an appliance that is sold, offered  
37 for sale or installed the first time and specifically  
38 includes floor models and demonstration units.

40 E. "Refrigerator" means a cabinet designed for the  
41 refrigerated storage of food at temperatures above 32°  
42 Fahrenheit and having a source of refrigeration requiring an  
43 energy input. It may include a cabinet with a compartment  
44 for the freezing and storage of food at temperatures below  
45 32° Fahrenheit, but which does not provide a separate low  
46 temperature compartment designed for the freezing of and the  
47 long-term storage of food at temperatures below 8°  
48 Fahrenheit. It has only one exterior door and may have  
49 interior doors or compartments.

50 F. "Refrigerator-freezer" means a cabinet that consists of  
51 2 or more compartments with at least one of the compartments



2 designed for the refrigerated storage of foods at  
3 temperatures above 32° Fahrenheit and with at least one of  
4 the compartments designed for the freezing of and the  
5 storage of frozen foods at temperatures of 8° Fahrenheit or  
6 below. The source of refrigeration requires an energy input.

7 G. "Storage-type water heater" means a water heater that  
8 heats and stores water within the appliance at a  
9 thermostatically controlled temperature for delivery on  
10 demand.

11 2. Efficiency standards. Efficiency standards are  
12 determined as follows.

13 A. The following are minimum energy efficiency standards  
14 for new residential gas and electric water heaters, oil and  
15 gas furnaces and boilers, refrigerators,  
16 refrigerator-freezers and freezers. Refrigerators,  
17 refrigerator-freezers and freezers must be certified by the  
18 manufacturer not to exceed the values derived from the  
19 appropriate formulae when V is the total refrigerated volume  
20 in cubic feet and EC is the energy consumption in kilowatt  
21 hours per year:

<u>Appliance</u>	<u>Standard</u>
<u>(1) Refrigerators</u>	
<u>Single door, manual</u> <u>defrost</u>	<u>EC=395 x 28V</u>
<u>Single door, auto-</u> <u>matic defrost</u>	<u>No standard</u>
<u>(2) Refrigerator-freezers</u>	
<u>Top freezer, partial</u> <u>automatic defrost</u>	<u>EC=378 x 43V</u>
<u>Top freezer, auto-</u> <u>matic defrost</u>	<u>EC=378 x 43V</u>
<u>Bottom freezer, auto-</u> <u>matic defrost</u>	<u>No standard</u>
<u>Side-by-side, auto-</u> <u>matic defrost</u>	<u>EC=565 x 52V</u>
<u>(3) Freezers</u>	
<u>Upright, manual</u> <u>defrost, between</u>	

2	<u>11.5 and 21.4 cubic feet in volume</u>	<u>EC=289 x 37V</u>
4	<u>Upright, automatic defrost</u>	<u>No standard</u>
6		
8	<u>Chest, manual defrost</u>	<u>EC=315 x 32V</u>
10	<u>(4) Water heaters</u>	
12	<u>Electric</u>	<u>ASHRAE Standard 90A-1980</u>
14		<u>Section 7</u>
16		<u>Energy Factor</u>
18	<u>Gas</u>	<u>(EF)=48°</u>
20	<u>(5) Furnaces and boilers</u>	
22	<u>Oil</u>	<u>No standard</u>
24	<u>Gas</u>	<u>No standard</u>

26 B. The following residential appliances are covered by this section:

- 28 (1) Only storage-type water heaters;
- 30 (2) Gas furnaces and boilers; and
- 32 (3) Refrigerators, refrigerator-freezers and freezers that can be operated by alternating current electricity, excluding the following types:
- 34 (a) Those with total refrigerated volume exceeding 39 cubic feet;
- 36 (b) Those designed to be used without doors;
- 38 (c) Those that do not include compressor and condenser units as an integral part of the cabinet assembly; and
- 40 (d) Those with "through the door" features.

42 C. This section does not apply to:

- 44 (1) New residential appliances manufactured in the State and sold outside the State;

52



2 **§4994. Administration and implementation**

4 The Maine State Housing Authority, in this subchapter called  
6 the "state authority," in consultation with the Interagency Task  
8 Force on Homelessness and Housing Opportunities, established in  
10 chapter 202, subchapter 5 and called in this subchapter the  
12 "interagency task force," shall administer this subchapter to  
14 address deteriorating residential areas and to restore these  
16 areas to decent, sanitary and safe residential neighborhoods.

18 **§4995. Designation of urban housing zones**

20 The state authority, in consultation with the interagency  
22 task force, may establish 4 demonstration housing opportunity  
24 zones, each comprised of a different municipality or portion of a  
26 municipality. These demonstration zones serve as a means of  
28 determining the effectiveness of zones as a tool stimulating  
30 residential revitalization in deteriorating neighborhoods.

32 **1. Standards for zones.** The state authority, by rules  
34 adopted in accordance with the Maine Administrative Procedure  
36 Act, shall establish standards for the selection of areas to be  
38 designated as zones and the provision of assistance to those  
40 zones. At a minimum, the state authority shall apply the  
42 following standards.

44 **A.** The zones must be located in urban areas experiencing  
46 significant deterioration in residential neighborhoods.

48 **B.** All areas wishing to be designated as zones must  
50 demonstrate actual or potential local capacity for  
residential revitalization and the willingness to cooperate  
with the state authority.

**C.** The level of general assistance by the State and the  
municipality, as well as the level of federal assistance to  
persons in these areas, must be considered.

**D.** All municipalities requesting zone designation for areas  
within the municipality must have a local housing alliance,  
which shall help develop a plan of action to revitalize  
deteriorating residential dwellings and neighborhoods. The  
plan shall address the major problems of these deteriorating  
areas, including a law enforcement component to  
significantly reduce crime in these areas.

In applying these standards, the state authority shall also  
consider the problem of crime in these areas.

50 **§4996. Powers**

2        The state authority, in consultation with the interagency  
3        task force, may:

4        1. Approve or deny applications. Approve or deny  
5        applications for assistance;

6        2. Alter or amend comprehensive plans. Alter or amend any  
7        comprehensive plans to be applied to revitalization of housing  
8        opportunity zones; or

9        3. Withhold or refuse payment of money. Withhold or refuse  
10       payment of money for any activity not authorized by the plans,  
11       the state authority or the municipality.

12       §4997. Duties

13       In implementing this subchapter, the state authority shall:

14       1. Work with interagency task force. Work with the  
15       interagency task force and the Commissioner of Public Safety to  
16       coordinate the resources of state agencies to be applied to the  
17       zones including, but not limited to:

18       A. Job training programs;

19       B. Educational and vocational training;

20       C. Child care assistance; and

21       D. Crime prevention programs;

22       2. Coordinate with municipality. Coordinate the resources  
23       of the state authority with the resources of the municipality to  
24       address residential housing deterioration;

25       3. Prepare information and notify municipalities. Prepare  
26       information about the program, including applications for  
27       designations as zones, and notify municipalities;

28       4. Provide technical assistance. Provide technical  
29       assistance to municipalities in developing plans to address  
30       residential and neighborhood deterioration. Technical assistance  
31       provided under this subsection includes technical assistance  
32       provided by state agencies represented on the interagency task  
33       force;

34       5. Analyze problems and causes of problems that create  
35       residential blight. In consultation with the interagency task  
36       force, monitor the 4 demonstration zones and develop findings and  
37       recommendations concerning neighborhood deterioration and  
38       revitalization; and

2           6. Establish priorities for direct financial assistance.  
3           Establish priorities for direct financial assistance, which may  
4           include, but are not limited to:

5           A. Financial assistance to owner-occupied rental and  
6           single-family homes for the restoration of dwelling units;

7           B. Financial assistance to shelters for the homeless;

8           C. Financial assistance for the removal of structures  
9           beyond rehabilitation; and

10           D. Financial assistance for the creation of recreational  
11           and park areas.

12           §4998. Models for urban housing revitalization; evaluation

13           The state authority and the interagency task force shall  
14           develop models for the revitalization of deteriorating  
15           residential areas in urban areas based on the results of the  
16           study and monitoring of the demonstration zones as provided in  
17           section 4995. The state authority and the interagency task force  
18           shall review and evaluate the plans and programs applied to the  
19           demonstration zones and report their findings and recommendations  
20           to the Governor and the joint standing committee of the  
21           Legislature having jurisdiction over housing matters by December  
22           30, 1992. This report must include:

23           1. Strategy. The strategy applied in each zone to  
24           revitalize housing and neighborhoods;

25           2. Number of buildings and units. The number of buildings  
26           and units of affordable housing developed or rehabilitated in  
27           each zone;

28           3. Causes of blight and deterioration. The major causes of  
29           urban blight and deterioration in each zone and the programs  
30           applied to these causes; and

31           4. Effectiveness of assistance and programs. The  
32           effectiveness of the assistance and programs provided in each  
33           zone, including, but not limited to, job training and educational  
34           programs and law enforcement and crime prevention programs.

35           §4999. Integrated housing

36           In revitalizing urban housing zones, state agencies,  
37           municipalities and nonprofit housing corporations shall strive to  
38           establish integrated neighborhoods comprised of households of  
39           different income levels.

2           Sec. 10. 30-A MRSA §5002, sub-§1, as enacted by PL 1989, c.  
601, Pt. B, §4, is repealed.

4           Sec. 11. 30-A MRSA §5002, sub-§2, as amended by PL 1989, c.  
875, Pt. M, §11 and affected by §13, is further amended to read:

6  
8           2. **Affordable housing.** "Affordable housing" means decent,  
safe and sanitary dwellings, apartments or other living  
10 accommodations for low-income and moderate-income households.  
The Office--of--Community--Development--in--consultation--with--the  
Maine State Housing Authority shall define "affordable housing"  
12 by rule. Affordable housing includes, but is not limited to:

14           A. Government-assisted housing;

16           B. Housing for low-income and moderate-income families;

18           C. Manufactured housing;

20           D. Multifamily housing; and

22           E. Group and foster care facilities.

24           Sec. 12. 30-A MRSA §5002, sub-§§4 and 5, as enacted by PL 1989,  
c. 601, Pt. B, §4, are repealed.

26           Sec. 13. 30-A MRSA §5002, sub-§8, as amended by PL 1989, c.  
28 875, Pt. M., §11 and affected by §13, is repealed.

30           Sec. 14. 30-A MRSA §5004, first ¶, as enacted by PL 1989, c.  
601, Pt. B, §4, is amended to read:

32  
34           With respect to the administration and implementation of  
this chapter, the state authority and the housing alliance shall  
36 consult on a regular basis to make the best use of the resources  
available,--to--avoid--unnecessary--duplication--of--services--and  
activities,--to--target--resources--in--a--manner--that--will--produce--the  
38 most--impact--and--to--leverage--the--most--additional--resources  
possible--to--address--the--affordable--housing--crisis.--The state  
40 authority shall consult with the interagency task force,--and--the  
housing alliance shall consult with the advisory committee on a  
42 regular basis for the purposes set forth in this chapter.

44           Sec. 15. 30-A MRSA §5004, sub-§1, as enacted by PL 1989, c.  
601, Pt. B, §4, is amended to read:

46  
48           1. **Plan.** The department and the housing authority, jointly  
and in consultation with the interagency task force and--the  
49 advisory committee,-- shall develop a plan for the development of  
50 affordable housing for lower and moderate-income households in  
Maine. This plan shall must include, but is not limited to:

- 2           A. Long-term and short-term goals and objectives for  
developing affordable housing in Maine;
- 4           B. Provisions defining the process by which the efforts and  
resources of state agencies will be coordinated with the  
6           efforts and resources of municipalities and the private  
sector to address the affordable housing crisis;
- 8           C. The criteria essential for the awarding of grants,  
making loans and providing technical and other forms of  
10           assistance and support to municipalities, nonprofit housing  
corporations and for-profit housing developers under this  
12           chapter; and
- 14           D. Proposed rules to be adopted by each agency to implement  
16           this chapter.

18           **Sec. 16. 30-A MRSA §§5005, 5006 and 5011**, as enacted by PL  
1989, c. 601, Pt. B, §4, are amended to read:

20           **§5005. Report to the Governor and Legislature**

22           At least 45 days before adopting rules and implementing the  
24           plan under this chapter, the ~~housing--alliance--and--the~~ state  
authority shall submit a copy of the plan and proposed rules of  
26           each agency for the implementation of the plan and this chapter  
to the Governor and the joint standing committee of the  
28           Legislature having jurisdiction over housing and economic  
development matters for review and comment.

30           **§5006. Coordination and cooperation**

32           All state agencies and independent state agencies shall  
34           cooperate with the authority ~~and--the--department~~ with respect to  
the implementation of this chapter. Whenever possible, all state  
36           agencies and independent state agencies shall coordinate their  
resources and activities with those of the department and the  
38           state authority to address the affordable housing crisis.

40           **§5011. Administration and implementation**

42           The ~~housing--alliance--shall--be~~ state authority is responsible  
44           for providing assistance to municipalities in implementing this  
subchapter. ~~In--administering--assistance--to--municipalities--the~~  
46           ~~housing--alliance--shall--consult--with--the--state--authority--in--order~~  
~~that--the--resources--of--both--agencies--may--be--coordinated--to--produce~~  
~~the--maximum--benefits.~~

48           **Sec. 17. 30-A MRSA §5012, first ¶**, as enacted by PL 1989, c.  
50           601, Pt. B, §4, is amended to read:

52           The ~~housing--alliancee~~ state authority may:



2           Sec. 18. 30-A MRSA §5012, sub-§5, as enacted by PL 1989, c.  
4           601, Pt. B, §4, is amended to read:

6           5. **Seek legal remedies.** Seek all legal remedies available  
8           to enforce the contract with a municipality. The housing  
10           alliance state authority may seek an injunction for any act or  
12           failure to act that violates this chapter or a contract entered  
14           into under this chapter.

16           Sec. 19. 30-A MRSA §5013, first ¶, as enacted by PL 1989, c.  
18           601, Pt. B, §4, is amended to read:

20           In implementing this subchapter, the housing-alliance state  
22           authority shall:

24           Sec. 20. 30-A MRSA §5013, sub-§§1, 7 and 9, as enacted by PL  
26           1989, c. 601, Pt. B, §4, are amended to read:

28           1. **Adopt rules.** Adopt rules in accordance with the Maine  
30           Administrative Procedure Act, Title 5, chapter 375 specifying, at  
32           a minimum, how money and other resources provided to  
34           municipalities ~~by-the-alliance~~ may be used;

36           7. **Provide technical assistance.** Within the resources of  
38           the department state authority, provide technical assistance and  
40           information to municipalities with respect to the development of  
42           affordable housing;

44           9. **Require matching resources.** Require municipalities to  
46           provide matching resources that the alliance state authority  
48           finds feasible; and

50           Sec. 21. 30-A MRSA §5014, as enacted by PL 1989, c. 601, Pt.  
52           B, §4, is amended to read:

§5014. **Nonlapsing revolving loan fund**

In providing loans under this subchapter, the housing  
alliance state authority shall establish a nonlapsing revolving  
loan fund to which payment of principal and interest and any  
other money available to the fund shall must be deposited.

Sec. 22. 30-A MRSA §5021, first ¶, as enacted by PL 1989, c.  
601, Pt. B, §4, is amended to read:

The authority shall administer a program to be implemented  
through nonprofit housing corporations to develop affordable  
housing. ~~In administering this program, the authority shall~~  
~~consult with the housing alliance to coordinate the resources~~  
~~provided by the authority with resources that may be available~~  
~~through a municipality or the department.~~

2           Sec. 23. 30-A MRSA §5023, sub-§10, as enacted by PL 1989, c.  
4           601, Pt. B, §4, is amended to read:

6           10. Consult with the interagency task force. Consult with  
8           the housing-alliance-and-the interagency task force with respect  
10           to the implementation of this subchapter and the projects to be  
12           funded under this subchapter.

14           Sec. 24. 30-A MRSA §5031, as enacted by PL 1989, c. 601, Pt.  
16           B, §4, is amended to read:

18           **§5031. Administration and implementation**

20           The state authority and--the-housing--alliancee may provide  
22           money and other resources to municipalities and nonprofit housing  
24           corporations to acquire or preserve land for affordable housing.  
26           The--housing--alliance--shall--administer--this--subchapter--with  
28           respect--to--municipalities--and--the--state--authority--shall  
30           administer--this--subchapter--with--respect--to--nonprofit--housing  
32           corporations-and-for-profit-developers.

34           1. Consultation. The--housing--alliance--and--the--state  
36           authority--shall--consult--in--administering--this--subchapter--in--order  
38           to--make--the--best--use--of--resources--and--maximize--their--impact. The  
40           housing-alliance-and-the state authority shall consult with the  
42           interagency task force with respect to the implementation of this  
44           subchapter.

46           Sec. 25. 30-A MRSA §§5033, 5034, 5036 and 5041, as enacted by  
48           PL 1989, c. 601, Pt. B, §4, are amended to read:

50           **§5033. Awards of grants and loans**

52           1. Criteria. In providing grants, loans and other  
54           resources to municipalities and nonprofit housing corporations  
56           under this section, the state authority and--the-housing-alliance  
58           shall eonsult-and develop criteria for the award of grants, loans  
60           and other resources. In developing the criteria, the state  
62           authority and--the--alliancee shall consider:

64           A. The extent of the affordable housing crisis in the  
66           municipality or area in which land will be acquired or  
68           preserved for affordable housing;

70           B. The degree of impact that the grant or loan will have on  
72           the affordable housing problem;

74           C. The size of the lower income population in the area to  
76           be served;

2 D. The demonstrated interest and the ability of the  
municipality or nonprofit housing corporation to address the  
affordable housing crisis;

4 E. The degree to which the grant or loan will serve very  
6 low-income households;

8 F. The degree to which the grant or loan will increase the  
economic activity of the eventual residents of the housing;

10 G. The degree to which the nonprofit housing corporation  
12 provides for significant representation on its board of  
directors for both residents and community residents;

14 H. The degree to which the project will have significant  
16 self-help or volunteer labor in the development of the  
housing;

18 I. The degree to which the grants and loans will assure the  
20 long-term affordability of the housing by use of the  
homestead land trust or other techniques; and

22 J. Any other criteria that the authority and the alliance  
24 consider necessary.

26 **2. Selection process.** ~~In selecting municipalities to~~  
~~receive funds from the Municipal Land Acquisition Revolving Fund,~~  
28 ~~the alliance shall include in the selection process, one or more~~  
~~representatives from the staff of the authority. The director of~~  
30 ~~the alliance, in consultation with the commissioner, shall select~~  
~~the municipalities to receive grants or loans from the fund. In~~  
32 ~~selecting nonprofit housing corporations to receive funds from~~  
~~the Maine Affordable Housing Land Trust Fund, the executive~~  
34 ~~director of the authority shall include one or more~~  
~~representatives from the housing alliance in the selection~~  
36 ~~process. The director of the state authority shall select the~~  
38 ~~municipalities to receive grants or loans from the Municipal Land~~  
~~Acquisition Revolving Fund and shall select the nonprofit housing~~  
40 ~~corporation to receive funds from the Maine Affordable Housing~~  
~~Land Trust Fund.~~

42 **3. Priorities.** In selecting municipalities and nonprofit  
housing corporations to receive funds under this section, the  
44 selections shall must be based on priorities developed by the  
housing alliance and the state authority. In developing these  
46 priorities, the alliance and the authority shall consider:

48 A. The degree of activity of housing alliances in each  
municipality or region in addressing the affordable housing  
50 crisis;

2 B. The availability of other resources in the municipality  
or region that can be coordinated with funds and resources  
4 provided by the ~~housing-alliance-of~~ the state authority; and

6 C. Any other priorities considered important by the ~~housing~~  
alliance ~~of~~ the state authority.

8 **§5034. Preservation of land for affordable housing**

10 In regard to the acquisition and preservation of land under  
this subchapter, the state authority, ~~the--housing--alliance,~~  
12 municipalities and nonprofit housing corporations may use deed  
restrictions, trust agreements and any other type of agreement  
14 designed to maintain land for affordable housing.

16 **§5036. Municipal Land Acquisition Revolving Fund**

18 The Municipal Land Acquisition Revolving Fund is established  
as a nonlapsing revolving fund to provide low-interest loans to  
20 municipalities for the acquisition or development of land for  
affordable housing. The fund ~~shall-be~~ is administered by the  
22 ~~housing-alliance~~ authority. The ~~alliance~~ authority shall deposit  
in this fund all payments of principal and interest on loans made  
24 from the fund.

26 **§5041. Task force created**

28 The Interagency Task Force on Homelessness and Housing  
Opportunities, established in accordance with Title 5, chapter  
30 379, shall serve as an advisory committee with respect to the  
administration and implementation of this chapter to the state  
32 authority, ~~the-department,~~ the Governor and the Legislature.

34 **Sec. 26. 30-A MRSA §5042, sub-§4,** as enacted by PL 1989, c.  
601, Pt. B, §4, is amended to read:

36 4. **Staff.** The authority ~~and-the-department~~ shall provide  
38 staff support to the interagency task force. State agencies  
represented on the task force shall also provide assistance when  
40 requested.

42 **Sec. 27. 30-A MRSA §5044, first ¶,** as enacted by PL 1989, c.  
601, Pt. B, §4, is amended to read:

44 The interagency task force shall advise ~~the-housing-alliance~~  
46 ~~and~~ the state authority with respect to the implementation of  
this chapter and the development of affordable housing. The task  
48 force shall:

50 **Sec. 28. 30-A MRSA §5044, sub-§§1, 2 and 5,** as enacted by PL  
1989, c. 601, Pt. B, §4, are amended to read:

52

1. Assist in the development of affordable housing plan.  
2 Assist ~~the housing alliance~~ and the state authority with the  
development of the affordable housing plan under subchapter I;

2. Make recommendations. Make recommendations to the  
3 ~~housing alliance~~, the state authority, the Governor and the  
Legislature with respect to policies, programs and funding under  
this chapter;

5. Assistance to homeless. In cooperation with ~~the housing~~  
4 ~~alliance~~ and the state authority, identify the resources  
available to the homeless and persons with special needs,  
identify the gaps in delivery services to this population and  
make recommendations concerning the policies and programs serving  
this population.

16 Sec. 29. 30-A MRSA c. 202, sub-c. VI is repealed.

18 Sec. 30. Transition provisions. The following provisions apply  
to the reassignment of the duties and responsibilities of the  
Division of Community Services and the Department of Economic and  
Community Development indicated in this Act.

1. The Maine State Housing Authority is the successor in  
every way to the powers, duties and functions of the following  
programs formerly administered by the Department of Economic and  
Community Development:

A. Residential portion of the state energy conservation  
program;

B. Energy Extension Service;

C. State standards for appliance energy efficiency; and

D. Housing opportunity zones.

2. Notwithstanding the provisions of the Maine Revised  
Statutes, Title 5, all accrued expenditures, assets, liabilities,  
balances or appropriations, allocations, transfers, revenues or  
other available funds in an account or subdivision of an account  
supporting the duties and functions of the programs to be  
transferred from the Department of Economic and Community  
Development must be transferred to the Maine State Housing  
Authority.

3. All existing rules, regulations and procedures  
concerning the programs to be moved from the Department of  
Economic and Community Development that are in effect, in  
operation or promulgated in or by the Department of Economic and  
Community Development or any of its administrative units or

2 officers, are hereby declared in effect and continue in effect  
until rescinded, revised or amended by the proper authority.

4 4. All existing contracts, agreements and compacts  
6 currently in effect concerning the programs to be moved from the  
Department of Economic and Community Development continue in  
effect.

8  
10 5. Authorized positions and incumbent personnel in the  
12 programs to be moved from the Department of Economic and  
Community Development who are transferred to the Maine State  
Housing Authority are subject to the provisions of this  
subsection.

14  
16 A. Transferred employees may, at their option, remain state  
18 employees as long as they remain continuously in their  
current positions or in another position which was  
20 transferred from the Department of Economic and Community  
Development to the Maine State Housing Authority on the  
effective date of this Act. Employees who do not remain  
22 state employees become employees of the authority with the  
rights and obligations of other authority employees.

24 B. Transferred employees who remain state employees retain  
26 their accrued fringe benefits associated with state  
employment, including vacation and sick leave, health and  
28 life insurance, as long as they continue as state employees.

30 C. Transferred employees who elect to be treated as state  
employees and who are members of collective bargaining units  
32 on the effective date of this Act remain as members in their  
respective bargaining units and retain all rights,  
34 privileges and benefits provided by their collective  
bargaining agreements with respect to state service, as long  
as they continue as state employees.

36 D. Transferred employees who elect to remain state employees  
38 remain members of the Maine State Retirement System, as long  
as they continue as state employees.

40 E. The Maine State Housing Authority shall reimburse the  
42 State for all costs related to the transferred employees who  
elect to remain state employees. The reimbursement includes  
44 the employer's share of contributions to the Maine State  
Retirement System for those employees.

46 F. Positions of transferred employees who remain state  
48 employees are terminated when vacated by those employees,  
unless filled by other transferred employees who elected to  
50 remain state employees. Positions similar to those  
terminated may be established within the Maine State Housing  
52 Authority.

