

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to H.P. 1333, L.D. 1924, Bill, "An Act Concerning the Low-income Home Energy Assistance Program"

Amend the amendment by striking out everything after the title and before the statement of fact and inserting in its place the following:

'Amend the bill by striking out everything after the emergency preamble and before the emergency clause and inserting in its place the following:

'Sec. 1. 5 MRSA §3518-C is enacted to read:

§3518-C. Allocation of Low-Income Home Energy Assistance Program Block Grant Funds

1. Allocation. For each federal fiscal year beginning with 1991-92, the division shall transfer 10.6% of the federal funds awarded to the division under the federal Low-Income Home Energy Assistance Program to the Maine State Housing Authority to be used, subject to federal requirements, in conjunction with energy conservation assistance programs administered by the Maine State Housing Authority. The Maine State Housing Authority may use a portion of those funds, in compliance with federal requirements, for administrative costs of the programs.

2. Transfer of funds. The division shall transfer to the Maine State Housing Authority 10.6% of federal funds under this section as soon as reasonably possible but not later than 60 days following receipt by the division. Subject to federal requirements, the division shall annually request the funds to be transferred to the Maine State Housing Authority under this section as part of the first quarterly requisition of funds under the Low-Income Home Energy Assistance Program.

3. Reporting. Prior to October 1st of each year, the division shall provide the following information in writing to the Maine State Housing Authority for the federal fiscal year beginning on that October 1st:

2 A. The total amount of Low-Income Home Energy Assistance
4 Program funds the division expects to receive during the
 federal fiscal year;

6 B. The total amount of those federal funds to be paid to
8 the Maine State Housing Authority pursuant to this section
 for that federal fiscal year; and

10 C. The anticipated schedule of payments.

12 4. Audit. The Maine State Housing Authority shall keep
14 proper records and accounts on the expenditure and use of all
16 funds received under this section and shall submit to the
18 division annually upon completion its independent auditor's
 report on federal financial assistance in compliance with and
 satisfaction of the audit requirements of the Low-Income Home
 Energy Assistance Program.

20 Sec. 2. 5 MRSA §3519, sub-§§1 and 2, as enacted by PL 1983, c.
22 176, Pt. A, §3, are amended to read:

24 1. Designation. Community action agencies shall must be
26 designated by the ~~Division of Community Services~~ division to
28 carry out the purposes of this chapter. In making these
30 designations, the division shall solicit and consider comments
 from other state agencies or authorities that operate programs in
 which community action agencies participate. These designations
 shall-be are for 7 years.

32 2. Designation withdrawn. The division may withdraw its
34 designation of a community action agency after an evaluation in
36 which the agency has demonstrated substantial incompetency and a
38 clear inability to carry out the purposes of this Act, unless
40 there is or has been financial malfeasance, which may be cause
 for immediate withdrawal of designation. In performing such
 evaluations, the division shall solicit and consider comments
 from other state agencies or authorities that operate programs in
 which that community action agency participates.

42 The division shall notify an agency of a pending withdrawal of
44 designation. Upon notification, the agency shall ~~have~~ has up to 6
46 months to take corrective action, at which time a designation
 withdrawal evaluation shall must be performed by the division.
 Failure to pass this evaluation shall ~~mean~~ means immediate loss
 of designation.

48 Upon the final order from the division which that rescinds a
50 community action agency's designation, the community action
 agency may file a petition for review of this final decision in

2 the appropriate Superior Court within 30 days, under the Maine
Rules of Civil Procedure, Rule 80B.

4 **Sec. 3. 30-A MRSA §4722, sub-§1, ¶T,** as amended by PL 1989, c.
581, §7, is further amended to read:

6
7 T. Approve or disapprove, in accordance with rules adopted
8 under the Maine Administrative Procedure Act, Title 5,
9 chapter 375, a project which that is multi-family or
10 single-family residential property, when authorized or
11 required by Title 10, chapter 110, subchapter IV; and

12
13 **Sec. 4. 30-A MRSA §4722, sub-§1, ¶U,** as enacted by PL 1989, c.
14 581, §8, is amended to read:

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

22
23 **Sec. 5. 30-A MRSA §4722, sub-§1, ¶W,** as enacted by PL 1991, c.
24 9, Pt. I, §7, is amended to read:

25
26 W. Obtain, Pursuant to the purpose of the Act, provide
27 housing to people with low income in accordance with rules
28 adopted under the Maine Administrative Procedure Act,
29 operate programs to provide energy conservation assistance
30 on behalf of people with low income in connection with
31 single-family or multiunit residential housing and accept,
32 obtain, distribute and administer federal and state funds,
33 including block grants for energy conservation for the
34 purpose of operating such programs; and

35
36 **Sec. 6. 30-A MRSA §4741, sub-§§13 and 14,** as amended by PL
37 1989, c. 104, Pt. C, §§8 and 10, are further amended to read:

38
39 **13. Allocation of federal ceilings.** By rulemaking under
40 Title 5, chapter 375, subchapter II, the Maine State Housing
41 Authority shall have has the power to establish a process that is
42 different from the federal formula for allocating that portion of
43 the ceiling on the issuance of certain tax-exempt bonds
44 established by the United States Code, Title 26, which that has
45 been allocated to the Maine State Housing Authority under Title
46 10, section 363, and may also limit the types of projects which
47 are eligible to receive allocations or carryforward designations
48 from the Maine State Housing Authority; and

50

2 14. State housing credit agency. The Maine State Housing
Authority is designated the housing credit agency for the State
4 and shall have has the power to receive and allocate, according
to a process established by rulemaking pursuant to Title 5,
6 chapter 375, subchapter II, the annual state housing credit
ceiling for the low-income housing credit established by the
United States Code, Title 26; and

8
10 Sec. 7. 30-A MRSA §4741, sub-§15 is enacted to read:

12 15. State weatherization agency. The Maine State Housing
Authority is designated the weatherization agency for the State
and may apply for, receive, distribute and administer federal
funds on behalf of the State for weatherization and energy
conservation assistance pursuant to the Weatherization Assistance
for Low-Income Persons Program administered through the United
State Department of Energy and the portion of the funds
transferred from the Low-Income Home Energy Assistance Program
administered through the United States Department of Health and
Human Services to the state authority pursuant to Title 5,
section 3518-C, all in accordance with rules adopted under the
Maine Administrative Procedure Act.

24 Sec. 8. Application. In accordance with the Maine Revised
Statutes, Title 5, section 3518, subsection 1-A, the Division of
26 Community Services shall transfer to the Maine State Housing
Authority the balance of all funds allocated to energy
28 conservation programs by the state plan for low-income energy
assistance programs for the program year 1990-91.

30
32 Sec. 9. Transition provisions.

34 1. All existing rules and procedures in effect, in
operation or adopted by the Division of Community Services as of
36 April 1, 1991 in the areas of food assistance and energy
conservation assistance programs are declared in effect and
38 continue in effect until rescinded, revised or amended by the
proper authority.

40 2. All records, property and equipment belonging to or
allocated for the use of the Division of Community Services in
42 connection with the United States Department of Energy's
Weatherization Assistance for Low-Income Persons Program is
44 hereby declared the property of the Maine State Housing Authority.

46 Sec. 10. Additional reservation of funds. In addition to any
amount of funds regularly set aside to fund the Energy Crisis
48 Intervention Program, for federal fiscal year 1991-92, the
Division of Community Service shall reserve an additional 4.4% of
50 the federal funds awarded to the division under the Low-Income

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2 Home Energy Assistance Program to supplement the Energy Crisis
Intervention Program.

4 Any funds remaining in the Energy Crisis Intervention
6 Program at the end of the 1991-92 program year must be
transferred to the Maine State Housing Authority for use in the
weatherization program.

8 Further amend the bill by inserting before the statement of
10 fact the following:

12 **FISCAL NOTE**

14 This bill requires that for program year 1990-91 the
Division of Community Services transfer any balances relating to
16 energy conservation remaining in the Low-Income Home Energy
Assistance Program (LIHEAP) to the Maine State Housing Authority.

18 The bill also requires that, beginning in federal fiscal
20 year 1991-92, 10.6% of the funds received by the Division of
Community Services under the Low-Income Home Energy Assistance
22 Program be transferred to the Maine State Housing Authority for
use in energy conservation programs. In federal fiscal year
24 1991-92 4.4% of the funds received under LIHEAP must be used for
the Energy Crisis Intervention Program in addition to the funds
26 historically set aside by the Division of Community Services to
fund the program.' '

28 **STATEMENT OF FACT**

30 This amendment deletes the provision of the original bill
32 that transfers Low-Income Home Energy Assistance Program funds
from the Division of Community Services to the Maine State
34 Housing Authority and replaces it with more comprehensive details
concerning the transfer. The amendment clarifies that 10.6% of
36 the Low-Income Home Energy Assistance Program Funds must be
transferred to the authority for energy conservation assistance
38 programs. It also adds a provision requiring that 4.4% of
Low-Income Home Energy Assistance Program funds be added to the
40 Energy Crisis Intervention Program for federal fiscal year
1991-92, in addition to funds historically set aside by the
42 division to fund the program. The amendment also clarifies that
the division must transfer to the authority the balance of all
44 remaining funds allocated to energy conservation programs for the
fiscal year 1990-91.

46
Filed by Rep. Kilkelly of Wiscasset
Reproduced and distributed under the direction of the Clerk of the
House
(6/12/91) (Filing No. H-660)