

# MAINE STATE LEGISLATURE

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L.D. 1924

(Filing No. H-700 )

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

HOUSE AMENDMENT "C" 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 title  
and before the statement of fact 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 not less than 15% 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 not less than 15% of the 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:

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

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

C. The anticipated schedule of payments.

4. Audit. The Maine State Housing Authority shall keep proper records and accounts on the expenditure and use of all funds received under this section and shall submit to the 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.

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

1. Designation. Community action agencies shall must be designated by the Division--of--Community-Services division to carry out the purposes of this chapter. In making these 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.

2. Designation withdrawn. The division may withdraw its designation of a community action agency after an evaluation in which the agency has demonstrated substantial incompetency and a clear inability to carry out the purposes of this Act, unless 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.

The division shall notify an agency of a pending withdrawal of designation. Upon notification, the agency shall-have has up to 6 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.

Upon the final order from the division which that rescinds a  
community action agency's designation, the community action  
agency may file a petition for review of this final decision in  
the appropriate Superior Court within 30 days, under the Maine  
Rules of Civil Procedure, Rule 80B.

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

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

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

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

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

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

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

**13. Allocation of federal ceilings.** By rulemaking under  
Title 5, chapter 375, subchapter II, the Maine State Housing  
Authority shall-have has the power to establish a process that is  
different from the federal formula for allocating that portion of

the ceiling on the issuance of certain tax-exempt bonds established by the United States Code, Title 26, which that has been allocated to the Maine State Housing Authority under Title 10, section 363, and may also limit the types of projects which that are eligible to receive allocations or carryforward designations from the Maine State Housing Authority; and

14. **State housing credit agency.** The Maine State Housing Authority is designated the housing credit agency for the State and shall ~~have~~ has the power to receive and allocate, according to a process established by rulemaking pursuant to Title 5, 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

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

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.

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

**Sec. 9. Transition provisions.**

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

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

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L.D. 1924

hereby declared the property of the Maine State Housing  
Authority.' '

#### STATEMENT OF FACT

This amendment deletes the emergency preamble and emergency clause from the bill. It also incorporates the substance of Senate Amendment "B" to Committee Amendment "A," which deletes the provision of the original bill that transfers Low-Income Home Energy Assistance Program funds from the Division of Community Services to the Maine State Housing Authority and replaces it with more comprehensive details concerning the transfer; makes clear that not less than 15% of the Low-Income Home Energy Assistance Program funds must be transferred to the authority for energy conservation assistance programs; and clarifies that the division must transfer to the authority the balance of all remaining funds allocated to energy conservation programs for the program year 1990-91.

Filed by Rep. Melendy of Rockland  
Reproduced and distributed under the direction of the Clerk of the  
House  
(6/26/91) (Filing No. H-700)