

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

SECOND REGULAR SESSION-1996

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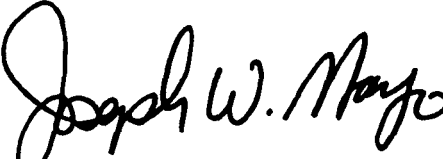
H.P. 1366

House of Representatives, March 22, 1996

**An Act Regarding the Food Stamp and Low-Income Home Energy
Assistance Program.**

(EMERGENCY)

Reported by Representative MITCHELL for the Joint Standing Committee on Human Resources pursuant to Private and Special Law 1995, chapter 51.


JOSEPH W. MAYO, Clerk

2 **Emergency preamble. Whereas,** Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4
6 **Whereas,** the link between the food stamp program standard
utility allowance and the Low-Income Home Energy Assistance
Program is under consideration by the Federal Government and may
8 cease to exist; and

10 **Whereas,** that link has provided additional assistance to
approximately 7,000 Maine households in the amount of \$6,300,000
12 per year; and

14 **Whereas,** the Department of Human Services must be alerted to
the risk to Maine households that would be caused by severing
16 that link and must endeavor to secure higher benefit levels for
those households; and

18 **Whereas,** in the judgment of the Legislature, these facts
20 create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
22 necessary for the preservation of the public peace, health and
safety; now, therefore,

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

26 **Sec. 1. 22 MRSA §3108** is enacted to read:

28 **§3108. Standard utility allowance**

30
32 When the department becomes aware of any decisions made by a
public entity or an entity operating a publicly subsidized
assistance program that adversely impacts eligibility for, or the
34 amount of assistance to, households receiving assistance under
the food stamp program pursuant to section 3104, the department
36 shall work in cooperation with that entity to achieve a
resolution that minimizes the adverse impact on households
38 receiving food stamp assistance.

40 1. Examination of options. When federal law governing
either the food stamp program or the Low-Income Home Energy
42 Assistance Program is amended to eliminate the eligibility link
whereby the food stamp standard utility allowance is
44 automatically available to households receiving low-income home
energy assistance benefits, the department shall immediately:

46
48 A. Examine and, if feasible, seek a waiver or grant of
demonstration authority from the federal Department of
Agriculture to continue to use the food stamp standard
50 utility allowance in determining the amount of food stamp
benefits available to households that previously qualified

2 for that allowance solely by reason of receipt of low-income
3 home energy assistance benefits;

4 B. Determine, in cooperation with all appropriate entities
5 operating publicly subsidized housing programs, a method of
6 providing individualized bills or appropriate documentation
7 for tenants in subsidized housing that would identify the
8 tenants' shares of incurred heating costs, if doing so would
9 qualify these tenants for the food stamp standard utility
10 allowance;

11 C. Determine if federal law would permit the use of the
12 standard utility allowance by households that previously
13 qualified for that allowance solely on the basis of receipt
14 of low-income home energy assistance benefits and implement
15 that section of law if doing so would not result in any
16 increase in the households' rent and energy costs or any
17 reduction in food stamp allotments to either those
18 households or any other households receiving food stamp
19 assistance; and

20 D. If none of the alternatives listed in paragraphs A to C
21 result in making the food stamp standard utility allowance
22 available to households that had received it before the
23 change in federal law, immediately estimate the General
24 Fund cost of providing allotments to affected households in
25 an amount equal to the amount they would have received had
26 the federal law not been amended, and promptly provide that
27 information to the joint standing committee of the
28 Legislature having jurisdiction over human resources matters.

29 2. Notice. The department shall provide prompt written
30 notice to households affected by any change in federal law
31 related to the eligibility link between the food stamp program
32 and the Low-Income Energy Assistance Program, or by any waiver
33 received pursuant to this section, of the steps that households
34 may take to gain eligibility for the food stamp standard utility
35 allowance.

36 3. Waiver. The department shall immediately seek a waiver
37 or demonstration authority to operate a demonstration project
38 from the federal Department of Agriculture that would make the
39 food stamp standard utility allowance available to households
40 that incur a heating or cooling cost separate from their rent or
41 mortgage, even if those bills are not based on actual usage as
42 determined by individualized metering.

43 4. Revised waiver application. When federal approval for
44 the waiver or demonstration authority described in this section
45 is not granted, the department may submit a revised waiver
46 request to accomplish the objectives of this section as fully as
47 possible.

2 5. Limitation. This section must be implemented within the
3 limits of the department's existing General Fund resources.

4 **Emergency clause.** In view of the emergency cited in the
5 preamble, this Act takes effect when approved.

6
7
8 **FISCAL NOTE**

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10 The additional costs associated with seeking federal
11 approval concerning eligibility for the standard utility
12 allowance and with notifying affected households under certain
13 circumstances can be absorbed by the Department of Human Services
14 utilizing existing budgeted resources.

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16
17
18 **STATEMENT OF FACT**

19 This bill directs the Department of Human Services to take
20 steps to continue the use of the food stamp standard utility
21 allowance for households receiving assistance under the food
22 stamp program and the Low-Income Home Energy Assistance Program.
23 It directs the department to coordinate efforts with public
24 entities and entities operating publicly subsidized assistance
25 programs to examine options for continuing benefits and to apply
26 for federal waivers to do so. It directs the department to
27 report promptly to the Joint Standing Committee on Human
28 Resources if it finds that it is unable to preserve the use of
29 the food stamp standard utility allowance.
30