

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2006

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**Legislative Document**

**No. 1905**

H.P. 1346

House of Representatives, January 4, 2006

### **An Act To Conserve Energy in Maine Homes**

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Appropriations and Financial Affairs suggested and ordered printed.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND

Clerk

Presented by Representative FLETCHER of Winslow.

Cosponsored by Representatives: BISHOP of Boothbay, CUMMINGS of Portland and Representatives: CROSTHWAITE of Ellsworth, DUPREY of Hampden, KAELIN of Winterport, MILLETT of Waterford, PINGREE of North Haven, Senators: SNOWE-MELLO of Androscoggin, WOODCOCK of Franklin.

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

4 Sec. 1. 30-A MRSA c. 201, sub-c. 11-B is enacted to read:

6 SUBCHAPTER 11-B

8 WEATHERIZATION ASSISTANCE

10 §4965. Weatherization Assistance Program

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

14 A. "Authority" means the Maine State Housing Authority  
established pursuant to section 4722.

18 B. "Eligible household" means a household that is eligible  
to receive fuel assistance through the authority pursuant to  
section 4722, subsection 1, paragraph W; section 4741,  
subsection 15; and subchapter 13 and rules adopted pursuant  
to these laws. "Eligible household" does not include a  
tenant who resides in subsidized housing and receives a  
utility allowance or a tenant whose utilities are included  
in the rent.

26 C. "Fund" means the Weatherization Assistance Program Fund  
established in section 4966.

30 D. "Program" means the Weatherization Assistance Program  
established in subsection 2.

32 E. "Weatherization assistance" means assistance as  
established by the authority pursuant to this subchapter,  
based on an eligible household's income level.

36 2. Program established. The Weatherization Assistance  
Program is established to provide funds or materials to eligible  
households to improve the energy efficiency of the homes of those  
eligible households.

42 3. Program administration. The authority shall administer  
the program directly or through regional contract agents. The  
program may be administered in conjunction with other programs of  
the authority.

46 4. Reporting requirements. The authority shall report  
annually to the joint standing committee of the Legislature  
having jurisdiction over utilities and energy matters information  
to determine the amount of funding necessary for the program,  
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2 including the amount of weatherization assistance provided on  
3 behalf of each eligible household, the total amount of  
4 weatherization assistance paid on behalf of eligible households,  
5 the number of eligible households served and other reasonably  
6 necessary information required by the committee in connection  
7 with the program.

8 5. Rulemaking. The authority may adopt rules to implement  
9 this subchapter. Rules adopted pursuant to this subsection are  
10 routine technical rules pursuant to Title 5, chapter 375,  
11 subchapter 2-A.

12 **§4966. Weatherization Assistance Program Fund**

13 1. Established. The fund is established under the  
14 jurisdiction of the authority.

15 2. Sources of fund. The fund consists of:

16 A. Funds collected pursuant to Title 36, section 4641-B,  
17 subsection 4;

18 B. Federal funds collected by the authority on behalf of  
19 the State for weatherization pursuant to the Weatherization  
20 Assistance for Low-income Persons Program administered  
21 through the United States Department of Energy;

22 C. All money appropriated by the State for inclusion in the  
23 fund;

24 D. Subject to any pledge, contract or other obligation, all  
25 interest, dividends and pecuniary gains from the investment  
26 of money in the fund; and

27 E. All other money deposited in the fund to implement the  
28 provisions of this subchapter.

29 3. Application of fund. The authority shall apply money in  
30 the fund to provide weatherization assistance for the benefit of  
31 eligible households and for other purposes authorized by this  
32 subchapter. Money in the fund not currently needed for purposes  
33 of this subchapter may be deposited with the authority to the  
34 credit of the fund and may be invested as provided by law. The  
35 fund may be used by the authority to pay for the administrative  
36 expenses of the fund and operation of the program.

37 4. Accounts within fund. The authority may divide the fund  
38 into separate accounts as it determines necessary or convenient  
39 to accomplish the purposes of this subchapter.

2 5. Revolving fund. The fund is a revolving fund. The  
3 authority shall continuously apply the money in the fund to  
4 accomplish the purposes of this subchapter.

6 **Sec. 2. 36 MRSA §4641-B, sub-§4**, as amended by PL 2005, c. 12,  
Pt. H, §1, is further amended to read:

8 **4. Distribution of State's share of proceeds.** The State  
9 Tax Assessor shall pay all net receipts received pursuant to this  
10 section to the Treasurer of State, and shall at the same time  
11 provide the Treasurer of State with documentation showing the  
12 amount of revenues derived from the tax imposed by section  
13 4641-A, subsection 1 and the amount of revenues derived from the  
14 tax imposed by section 4641-A, subsection 2. The Treasurer of  
15 State shall credit 1/2 of the revenues derived from the tax  
16 imposed by section 4641-A, subsection 1 to the General Fund and  
17 shall monthly pay the remaining 1/2 of such revenues to the Maine  
18 State Housing Authority, which shall deposit the funds in the  
19 Housing Opportunities for Maine Fund created in Title 30-A,  
20 section 4853, except that in fiscal year 2003-04, fiscal year  
21 2004-05, and fiscal year 2005-06 ~~and--fiscal--year--2006-07,~~  
22 \$7,500,000 of the remaining 1/2 of those revenues must be  
23 transferred to the General Fund before any payments are made to  
24 the Maine State Housing Authority and, beginning in fiscal year  
25 2006-07, \$7,500,000 of the remaining 1/2 of those revenues must  
26 be deposited in the Weatherization Assistance Program Fund  
27 established in Title 30-A, section 4966. The Treasurer of State  
28 shall credit to the General Fund all of the revenues derived from  
29 the tax imposed by section 4641-A, subsection 2.

## 32 SUMMARY

34 This bill establishes the Weatherization Assistance Program  
35 to provide funds or materials to eligible households to improve  
36 the energy efficiency of the homes of those eligible households.  
37 The program is administered by the Maine State Housing  
38 Authority. The program is funded by an annual allocation of  
39 \$7,500,000 of the funds from the real estate transfer tax that  
40 are transferred to the Maine State Housing Authority. This bill  
41 strikes current law that requires the \$7,500,000 to go to the  
42 General Fund in fiscal year 2006-07.