

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



123rd MAINE LEGISLATURE

SECOND REGULAR SESSION-2008

Legislative Document

No. 2208

H.P. 1575

House of Representatives, February 12, 2008

An Act To Provide Additional Funding for the Low-income Home Energy Assistance Program

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Speaker CUMMINGS of Portland.

Cosponsored by President EDMONDS of Cumberland and

Representatives: ADAMS of Portland, BABBIDGE of Kennebunk, BARSTOW of Gorham, BEAUDETTE of Biddeford, BEAUDOIN of Biddeford, BERRY of Bowdoinham, BLANCHARD of Old Town, BLISS of South Portland, BOLAND of Sanford, BRAUTIGAM of Falmouth, BRIGGS of Mexico, BRYANT of Windham, BURNS of Berwick, CAIN of Orono, CAMPBELL of Newfield, CANAVAN of Waterville, CAREY of Lewiston, CARTER of Bethel, CASAVANT of Biddeford, CLARK of Millinocket, CLEARY of Houlton,

CONNOR of Kennebunk, CONOVER of Oakland, CRAVEN of Lewiston, CROCKETT of Augusta, DILL of Cape Elizabeth, DRISCOLL of Westbrook, DUCHESNE of Hudson, DUNN of Bangor, EATON of Sullivan, EBERLE of South Portland, FAIRCLOTH of Bangor, FINCH of Fairfield, FISCHER of Presque Isle, GERZOFKY of Brunswick, GREELEY of Levant, GROSE of Woolwich, HANLEY of Gardiner, HARLOW of Portland, HASKELL of Portland, HILL of York, HINCK of Portland, HOGAN of Old Orchard Beach, JACKSON of Allagash, JONES of Mount Vernon, KAENRATH of South Portland, KOFFMAN of Bar Harbor, LUNDEEN of Mars Hill, MacDONALD of Boothbay, MAKAS of Lewiston, MARLEY of Portland, MAZUREK of Rockland, McDONOUGH of Scarborough, McKANE of Newcastle, MILLER of Somerville, MILLS of Farmington, MIRAMANT of Camden, NASS of Acton, NORTON of Bangor, PATRICK of Rumford, PENDLETON of Scarborough, PEOPLES of Westbrook, PERCY of Phippsburg, PERRY of Calais, PIEH of Bremen, PILON of Saco, PINEAU of Jay, PINGREE of North Haven, PIOTTI of Unity, PRATT of Eddington, PRIEST of Brunswick, RAND of Portland, RICHARDSON of Warren, RINES of Wiscasset, ROSEN of Bucksport, SAMSON of Auburn, SAVAGE of Falmouth, SAVIELLO of Wilton, SCHATZ of Blue Hill, SILSBY of Augusta, SIMPSON of Auburn, SIROIS of Turner, STRANG BURGESS of Cumberland, SUTHERLAND of Chapman, THERIAULT of Madawaska, TREAT of Hallowell, TRINWARD of Waterville, TUTTLE of Sanford, VALENTINO of Saco, WAGNER of Lewiston, WATSON of Bath, WEBSTER of Freeport, WEDDELL of Frankfort, WHEELER of Kittery, WOODBURY of Yarmouth, Senators: BARTLETT of Cumberland, BOWMAN of York, COURTNEY of York, DIAMOND of Cumberland, GOOLEY of Franklin, HASTINGS of Oxford, NUTTING of Androscoggin, RAYE of Washington, SCHNEIDER of Penobscot, SNOWE-MELLO of Androscoggin, SULLIVAN of York.

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

3 **Whereas,** the price of home heating fuel has increased dramatically over the past
4 year; and

5 **Whereas,** projected funding of the Low-income Home Energy Assistance Program,
6 or "LIHEAP," is not expected to increase sufficiently to offset the increased cost of
7 heating fuel; and

8 **Whereas,** it is essential to the health and safety of the elderly, the disabled and the
9 most vulnerable in our State that the State provide funds to help fill the gap between the
10 need and the available federal resources; and

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

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

16 **Sec. 1. Payments or assistance not considered income or resources for**
17 **any purpose under state law.** Notwithstanding any other provision of law unless
18 enacted in express limitation of this section, the amount of any home energy assistance
19 payments or allowances provided directly to, or indirectly for the benefit of, an eligible
20 household under this Act may not be considered income or resources of that household or
21 any member of that household for any purpose under any state law, including any law
22 relating to taxation, food stamps, public assistance or welfare programs.

23 **Sec. 2. Use of funds; limitation.** The Maine State Housing Authority shall
24 expend funds provided pursuant to section 5 exclusively for fuel purchases and may not
25 use those funds to support administrative expenses.

26 **Sec. 3. Maine Budget Stabilization Fund transfer to the General Fund.**
27 Notwithstanding the Maine Revised Statutes, Title 5, chapter 142 and notwithstanding
28 any provision of law to the contrary, the State Controller shall transfer \$5,000,000 by
29 June 30, 2008 from the Maine Budget Stabilization Fund to the unappropriated surplus of
30 the General Fund.

31 **Sec. 4. Unused funds.** Any balance remaining of the funds provided to the Low-
32 income Home Energy Assistance Program pursuant to section 5 at the end of the fiscal
33 year lapse to the Maine Budget Stabilization Fund.

34 **Sec. 5. Appropriations and allocations.** The following appropriations and
35 allocations are made.

36 **MAINE STATE HOUSING AUTHORITY**

37 **Low-income Home Energy Assistance - MSHA 0708**

1 Initiative: Provides funding for the Low Income Home Energy Assistance Program.

2

3 **GENERAL FUND** **2007-08**

4 All Other \$5,000,000

5

6 GENERAL FUND TOTAL \$5,000,000

7 **Emergency clause.** In view of the emergency cited in the preamble, this
8 legislation takes effect when approved.

9

SUMMARY

10 This bill transfers \$5,000,000 from the Maine Budget Stabilization Fund to the
11 General Fund for the Low-income Home Energy Assistance Program and specifies that
12 the funds may be used only for fuel purchases. Any funds remaining at the end of the
13 fiscal year lapse to the Maine Budget Stabilization Fund.