

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2022

Legislative Document

No. 1

S.P. 8

In Senate, December 7, 2022

**An Act to Provide Funding for Winter Emergency Energy Relief
and to Finalize the COVID Pandemic Relief Payment Program**

(EMERGENCY)

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by President JACKSON of Aroostook. (GOVERNOR'S BILL)
Cosponsored by Speaker TALBOT ROSS of Portland.

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,** on March 13, 2020, the President of the United States declared a nationwide
4 emergency pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and
5 Emergency Assistance Act and, on April 4, 2020, the President of the United States
6 approved a major disaster declaration for the State of Maine for periods beginning on
7 January 20, 2020 and continuing; and

8 **Whereas,** on March 13, 2020, the President of the United States declared a national
9 emergency concerning the coronavirus disease 2019 (COVID-19) pandemic pursuant to
10 Sections 201 and 301 of the National Emergencies Act and, on February 18, 2022, the
11 President of the United States continued the national emergency pursuant to Section 202(d)
12 of the National Emergencies Act; and

13 **Whereas,** on January 31, 2020, the United States Secretary of Health and Human
14 Services determined that a public health emergency exists and has existed since January
15 27, 2020 nationwide and, on October 13, 2022, the United States Secretary of Health and
16 Human Services renewed that determination; and

17 **Whereas,** Maine consumers are experiencing increased energy prices across all fuel
18 types and experiencing volatility; and

19 **Whereas,** with nearly 60% of homes reliant on heating oil, Maine is the most heating
20 oil dependent state in the country. Also, the New England electric grid, which supplies
21 power to a majority of Maine, is over-reliant on natural gas to generate electricity. This
22 makes Maine distinctly vulnerable to price increases; and

23 **Whereas,** residential energy prices have increased significantly throughout the
24 pandemic and high winter energy prices will exacerbate the ongoing effects of the
25 pandemic and pose a threat to Maine's recovery from the pandemic; and

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

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

31 **PART A**

32 **Sec. A-1. Transfer from General Fund unappropriated surplus; Housing**
33 **Authority - State; supplement federal funding.** Notwithstanding any provision of
34 law to the contrary, on or before June 30, 2023, the State Controller shall transfer
35 \$40,000,000 from the unappropriated surplus of the General Fund to the Maine State
36 Housing Authority, Housing Authority - State, Other Special Revenue Funds account to
37 supplement federal Low Income Home Energy Assistance Program, or LIHEAP, funding.
38 Before October 31, 2023, any unobligated amounts remaining from this transfer must be
39 transferred to the unappropriated surplus of the General Fund.

40 **Sec. A-2. Transfer from General Fund unappropriated surplus; Housing**
41 **Authority - State; additional.** Notwithstanding any provision of law to the contrary,
42 on or before June 30, 2023, the State Controller shall transfer \$10,000,000 from the

unappropriated surplus of the General Fund to the Maine State Housing Authority, Housing Authority - State, Other Special Revenue Funds account for assistance for households that are not eligible for federal Low Income Home Energy Assistance Program, or LIHEAP, benefits or households eligible for LIHEAP benefits that have already exhausted their energy assistance benefit and Maine State Housing Authority Energy Crisis Intervention Program amount. Households may be eligible for up to \$800 in emergency funds to avert an energy crisis. Before October 31, 2023, any unobligated amounts remaining from this transfer must be transferred to the unappropriated surplus of the General Fund.

Sec. A-3. Transfer from General Fund unappropriated surplus; Emergency Housing Relief Fund. Notwithstanding any provision of law to the contrary, on or before June 30, 2023, the State Controller shall transfer \$21,000,000 from the unappropriated surplus of the General Fund to the Maine State Housing Authority, Emergency Housing Relief Fund Program, Other Special Revenue Funds account to provide funds for short-term emergency housing. The Maine State Housing Authority shall prioritize these funds for use in addressing emergency housing needs occurring between December 1, 2022 and April 30, 2023, for those households that were experiencing homelessness or housing instability in the State prior to December 1, 2022. At the close of fiscal year 2022-23, unobligated amounts remaining from this transfer must be transferred to the unappropriated surplus of the General Fund.

Sec. A-4. Appropriations and allocations. The following appropriations and allocations are made.

HOUSING AUTHORITY, MAINE STATE

Emergency Housing Relief Fund Program Z340

Initiative: Provides one-time funding to support emergency housing and emergency shelters to prevent people from experiencing homelessness this winter.

OTHER SPECIAL REVENUE FUNDS	2022-23	2023-24	2024-25
All Other	\$21,000,000	\$0	\$0
OTHER SPECIAL REVENUE FUNDS	\$21,000,000	\$0	\$0
TOTAL			

Housing Authority - State 0442

Initiative: Provides one-time funding to supplement the federal Low Income Home Energy Assistance Program to help home energy assistance program recipients receive a financial benefit similar to last year given higher fuel prices.

OTHER SPECIAL REVENUE FUNDS	2022-23	2023-24	2024-25
All Other	\$40,000,000	\$0	\$0
OTHER SPECIAL REVENUE FUNDS	\$40,000,000	\$0	\$0
TOTAL			

Housing Authority - State 0442

1 Initiative: Provides one-time funding for heating assistance for households ineligible for
 2 home energy assistance program benefits or home energy assistance program households
 3 that have already exhausted their fuel assistance benefit and Energy Crisis Intervention
 4 Program amount. Funds will be distributed to community action agencies. Households
 5 may be eligible for up to \$800 in emergency funds to avert an energy crisis.

6 OTHER SPECIAL REVENUE	2022-23	2023-24	2024-25
7 FUNDS			
8 All Other	\$10,000,000	\$0	\$0
9			
10 OTHER SPECIAL REVENUE FUNDS	\$10,000,000	\$0	\$0
11 TOTAL			

12
 13 **HOUSING AUTHORITY, MAINE**
 14 **STATE**

15 DEPARTMENT TOTALS	2022-23	2023-24	2024-25
16			
17 OTHER SPECIAL REVENUE	\$71,000,000	\$0	\$0
18 FUNDS			
19			
20 DEPARTMENT TOTAL - ALL	\$71,000,000	\$0	\$0
21 FUNDS			

22 **PART B**

23 **Sec. B-1. Winter Energy Relief Payment Program Fund Other Special**
 24 **Revenue Funds account established.** The State Controller shall establish within the
 25 Department of Administrative and Financial Services the nonlapsing Winter Energy Relief
 26 Payment Program Fund Other Special Revenue Funds account, which is funded through a
 27 transfer from the available balance of the unappropriated surplus of the General Fund
 28 pursuant to section 2.

29 **Sec. B-2. Transfer from General Fund unappropriated surplus; Winter**
 30 **Energy Relief Payment Program Fund.** Notwithstanding any provision of law to the
 31 contrary, on or before December 31, 2022, the State Controller shall transfer \$398,000,000
 32 from the unappropriated surplus of the General Fund to the Department of Administrative
 33 and Financial Services, Winter Energy Relief Payment Program Fund Other Special
 34 Revenue Funds account for the purpose of providing payments to help eligible recipients
 35 of the State pay for high winter energy costs and recover from the economic effects of the
 36 pandemic related to coronavirus disease 2019, referred to in this Part as "the COVID-19
 37 pandemic." At the close of fiscal year 2023-24, amounts remaining in the Winter Energy
 38 Relief Payment Program Fund Other Special Revenue Funds account must be transferred
 39 to the unappropriated surplus of the General Fund.

40 **Sec. B-3. Winter Energy Relief Payment Program established.** Because the
 41 State has determined that residents of the State face high winter energy costs and the effects
 42 of the ongoing COVID-19 pandemic and this warrants assistance from the State, the Winter
 43 Energy Relief Payment Program is established within the Department of Administrative
 44 and Financial Services to promote the general welfare by providing a relief payment to

1 eligible Maine recipients to offset some of the expenses that have been incurred, and will
2 be incurred in the winter months of 2022-2023, by those recipients as a result of high winter
3 energy costs and the COVID-19 pandemic, including, without limitation, personal, family
4 and living expenses.

5 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
6 following terms have the following meanings.

7 A. "Assessor" means the State Tax Assessor.

8 B. "Eligible recipient" means an individual who:

9 (1) Filed, by October 31, 2022, a Maine income tax return as a full-year resident
10 of the State for the tax year;

11 (2) Had, and reported to the Department of Administrative and Financial Services,
12 Maine Revenue Services by October 31, 2022 on an income tax return, federal
13 adjusted gross income for the tax year of less than:

14 (a) For individuals filing married joint returns or surviving spouses permitted
15 to file a joint return, \$200,000;

16 (b) For an individual filing as a head of household, \$150,000;

17 (c) For a single individual, \$100,000; or

18 (d) For a married individual filing a separate return, \$100,000; and

19 (3) May not be claimed as a dependent on another taxpayer's return for the tax year.

20 C. "Fund" means the Winter Energy Relief Payment Program Fund Other Special
21 Revenue Funds account established by the State Controller pursuant to section 1.

22 D. "Relief payment" means a relief payment in the amount of \$450.

23 E. "Tax year" means a tax year beginning on or after January 1, 2021 but not later than
24 December 31, 2021.

25 Any other terms used in this section have the same meanings as when used in a comparable
26 context in the Maine Revised Statutes, Title 36, Part 8 relating to Maine income taxes,
27 unless different meanings are clearly required.

28 **2. Winter energy relief payment.** The assessor shall make relief payments in
29 accordance with this subsection.

30 A. The assessor shall identify each eligible recipient.

31 B. Beginning as soon as administratively feasible but not later than March 31, 2023,
32 the assessor shall make a relief payment to each eligible recipient. Funds for the relief
33 payments must come from the fund and, notwithstanding any law to the contrary, are
34 not subject to setoff to debts owed to agencies of the State.

35 C. An individual who has not received a relief payment under paragraph B may provide
36 documentation to the assessor by June 30, 2023 showing that the individual is an
37 eligible recipient. The assessor shall review the documentation, determine if the
38 individual is an eligible recipient and notify the individual of any adverse
39 determination. This determination is final agency action not reviewable pursuant to the
40 Maine Revised Statutes, Title 36, section 151.

41 D. By September 30, 2023, the assessor shall make a relief payment to each eligible
42 recipient determined eligible pursuant to paragraph C. Funds for the relief payments

1 must come from the fund and, notwithstanding any law to the contrary, are not subject
2 to setoff to debts owed to agencies of the State.

3 **Sec. B-4. State income tax subtraction modification.** For tax years beginning
4 on or after January 1, 2023 but not later than December 31, 2023, in determining the taxable
5 income of an individual, within the meaning of the Maine Revised Statutes, Title 36,
6 section 5122, federal adjusted gross income must be reduced by an amount equal to the
7 relief payment received by the taxpayer pursuant to this Part, to the extent the payment is
8 included in federal adjusted gross income for the taxable year.

9 **Sec. B-5. Designation as unclaimed property.** For purposes of the Winter
10 Energy Relief Payment Program, relief payment checks that remain undeposited on March
11 31, 2024 are to be treated as unclaimed property, not subject to the notice and receipt
12 provisions established in the Maine Revised Statutes, Title 33, section 2101 and the one-
13 year dormancy period specified in Title 33, section 2061, as applied to such checks. The
14 Treasurer of State shall use unclaimed property systems and networks to find the proper
15 recipients of such checks as quickly as possible.

16 **Sec. B-6. Transfer between Winter Energy Relief Payment Program Fund
17 Other Special Revenue Funds account and COVID Pandemic Relief Payment
18 Program Fund Other Special Revenue Funds account.** Notwithstanding any
19 provision of law to the contrary, on or before June 30, 2024, the State Controller may
20 transfer the available balance within the Department of Administrative and Financial
21 Services, COVID Pandemic Relief Payment Program Fund Other Special Revenue Funds
22 account to the Department of Administrative and Financial Services, Winter Energy Relief
23 Payment Program Fund Other Special Revenue Funds account. Amounts transferred may
24 be expended based on allotment established by financial order recommended by the State
25 Budget Officer and approved by the Governor.

26 **Sec. B-7. Appropriations and allocations.** The following appropriations and
27 allocations are made.

28 **ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**
29 **Winter Energy Relief Payment Program N960**

30 Initiative: Provides one-time funding for a disaster relief program that will provide a \$450
31 relief payment to each eligible recipient. The costs of administration, programming,
32 mailing, public outreach and taxpayer assistance must also come from this fund.

33 OTHER SPECIAL REVENUE	2022-23	2023-24	2024-25
34 FUNDS			
35 All Other	\$398,000,000	\$500	\$0
36			
37 OTHER SPECIAL REVENUE FUNDS	\$398,000,000	\$500	\$0
38 TOTAL			

39 **PART C**

40 **Sec. C-1. Transfer between COVID Disaster Relief Payment Fund Other
41 Special Revenue Funds account and COVID Pandemic Relief Payment
42 Program Fund Other Special Revenue Funds account.** Notwithstanding any
43 provision of law to the contrary, on or before June 30, 2023, the State Controller shall

1 transfer \$385,754 from the available balance within the Department of Administrative and
2 Financial Services, COVID Disaster Relief Payment Fund Other Special Revenue Funds
3 account to the Department of Administrative and Financial Services, COVID Pandemic
4 Relief Payment Program Fund Other Special Revenue Funds account in order to support
5 the higher than estimated number of eligible recipients. Funds are available based on lower
6 than estimated COVID disaster relief payments, as authorized in Public Law 2021, chapter
7 398, Part HHHH and expended in fiscal year 2021-22.

8 **Sec. C-2. Transfer between Homestead Property Tax Exemption**
9 **Reimbursement, Other Special Revenue Funds account and COVID Pandemic**
10 **Relief Payment Program Fund Other Special Revenue Funds account.**

11 Notwithstanding any provision of law to the contrary, on or before June 30, 2023, the State
12 Controller shall transfer \$6,674,993 from the available balance within the Department of
13 Administrative and Financial Services, Homestead Property Tax Exemption
14 Reimbursement, Other Special Revenue Funds account to the Department of
15 Administrative and Financial Services, COVID Pandemic Relief Payment Program Fund
16 Other Special Revenue Funds account in order to support the higher than estimated number
17 of eligible recipients. Funds are available based on lower than estimated homestead
18 reimbursements in fiscal year 2021-22 and fiscal year 2022-23.

19 **Sec. C-3. Transfer from General Fund unappropriated surplus; COVID**
20 **Pandemic Relief Payment Program Fund Other Special Revenue Funds**
21 **account.**

22 Notwithstanding any provision of law to the contrary, on or before June 30,
23 2023, the State Controller shall transfer \$4,433,437 from the unappropriated surplus of the
24 General Fund to the Department of Administrative and Financial Services, COVID
25 Pandemic Relief Payment Program Fund Other Special Revenue Funds account to support
the higher than estimated number of eligible recipients.

26 **Sec. C-4. Transfer between COVID Pandemic Relief Payment Program**
27 **Fund Other Special Revenue Funds account and Winter Energy Relief**
28 **Payment Program Fund Other Special Revenue Funds account.**

29 Notwithstanding any provision of law to the contrary, on or before June 30, 2024, the State
30 Controller may transfer the available balance within the Department of Administrative and
31 Financial Services, Winter Energy Relief Payment Program Fund Other Special Revenue
32 Funds account to the Department of Administrative and Financial Services, COVID
33 Pandemic Relief Payment Program Fund Other Special Revenue Funds account. Amounts
34 transferred may be expended based on allotment established by financial order
35 recommended by the State Budget Officer and approved by the Governor.

36 **Sec. C-5. Appropriations and allocations.** The following appropriations and
37 allocations are made.

38 **ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**
39 **COVID Pandemic Relief Payment Program Z337**

40 Initiative: Provides one-time funding to complete the \$850 pandemic relief payment to each
41 eligible resident of the State as authorized in Public Law 2021, chapter 635, Part L.

42 OTHER SPECIAL REVENUE	2022-23	2023-24	2024-25
43 FUNDS			

1	All Other	\$11,494,184	\$0	\$0
2				
3	OTHER SPECIAL REVENUE FUNDS	\$11,494,184	\$0	\$0
4	TOTAL			

5 **PART D**

6 **Sec. D-1. Appropriations and allocations.** The following appropriations and
7 allocations are made.

8 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

9 **Developmental Services Waiver - MaineCare Z211**

10 Initiative: Adjusts funding for the 6.2% increase in the Federal Medical Assistance
11 Percentage based on the extension of the national public health emergency related to the
12 COVID-19 pandemic.

13	GENERAL FUND	2022-23	2023-24	2024-25
14	All Other	(\$23,793,537)	\$0	\$0
15				
16	GENERAL FUND TOTAL	(\$23,793,537)	\$0	\$0

17 **Developmental Services Waiver - Supports Z212**

18 Initiative: Adjusts funding for the 6.2% increase in the Federal Medical Assistance
19 Percentage based on the extension of the national public health emergency related to the
20 COVID-19 pandemic.

21	GENERAL FUND	2022-23	2023-24	2024-25
22	All Other	(\$5,273,489)	\$0	\$0
23				
24	GENERAL FUND TOTAL	(\$5,273,489)	\$0	\$0

25 **Medicaid Services - Developmental Services Z210**

26 Initiative: Adjusts funding for the 6.2% increase in the Federal Medical Assistance
27 Percentage based on the extension of the national public health emergency related to the
28 COVID-19 pandemic.

29	GENERAL FUND	2022-23	2023-24	2024-25
30	All Other	(\$4,649,892)	\$0	\$0
31				
32	GENERAL FUND TOTAL	(\$4,649,892)	\$0	\$0

33 **Medicaid Waiver for Brain Injury Residential /Community Serv Z218**

34 Initiative: Adjusts funding for the 6.2% increase in the Federal Medical Assistance
35 Percentage based on the extension of the national public health emergency related to the
36 COVID-19 pandemic.

37	GENERAL FUND	2022-23	2023-24	2024-25
38	All Other	(\$1,054,699)	\$0	\$0
39				
40	GENERAL FUND TOTAL	(\$1,054,699)	\$0	\$0

41 **Medicaid Waiver for Other Related Conditions Z217**

1 Initiative: Adjusts funding for the 6.2% increase in the Federal Medical Assistance
 2 Percentage based on the extension of the national public health emergency related to the
 3 COVID-19 pandemic.

4	GENERAL FUND	2022-23	2023-24	2024-25
5	All Other	(\$474,268)	\$0	\$0
6				
7	GENERAL FUND TOTAL	(\$474,268)	\$0	\$0

8 **Medical Care - Payments to Providers 0147**

9 Initiative: Adjusts funding for the 6.2% increase in the Federal Medical Assistance
 10 Percentage based on the extension of the national public health emergency related to the
 11 COVID-19 pandemic.

12	GENERAL FUND	2022-23	2023-24	2024-25
13	All Other	(\$84,923,871)	\$0	\$0
14				
15	GENERAL FUND TOTAL	(\$84,923,871)	\$0	\$0

17	FEDERAL EXPENDITURES FUND	2022-23	2023-24	2024-25
18	All Other	\$135,675,538	\$0	\$0
19				
20	FEDERAL EXPENDITURES FUND	\$135,675,538	\$0	\$0
21	TOTAL			

23	FUND FOR A HEALTHY MAINE	2022-23	2023-24	2024-25
24	All Other	(\$3,986,788)	\$0	\$0
25				
26	FUND FOR A HEALTHY MAINE	(\$3,986,788)	\$0	\$0
27	TOTAL			

29	FEDERAL BLOCK GRANT FUND	2022-23	2023-24	2024-25
30	All Other	\$1,941,382	\$0	\$0
31				
32	FEDERAL BLOCK GRANT FUND	\$1,941,382	\$0	\$0
33	TOTAL			

34 **Mental Health Services - Child Medicaid Z207**

35 Initiative: Adjusts funding for the 6.2% increase in the Federal Medical Assistance
 36 Percentage based on the extension of the national public health emergency related to the
 37 COVID-19 pandemic.

38	GENERAL FUND	2022-23	2023-24	2024-25
39	All Other	(\$5,061,792)	\$0	\$0
40				
41	GENERAL FUND TOTAL	(\$5,061,792)	\$0	\$0

42 **Mental Health Services - Community Medicaid Z201**

1 Initiative: Adjusts funding for the 6.2% increase in the Federal Medical Assistance
 2 Percentage based on the extension of the national public health emergency related to the
 3 COVID-19 pandemic.

4	GENERAL FUND	2022-23	2023-24	2024-25
5	All Other	(\$6,481,869)	\$0	\$0
6				
7	GENERAL FUND TOTAL	(\$6,481,869)	\$0	\$0

8 **Nursing Facilities 0148**

9 Initiative: Adjusts funding for the 6.2% increase in the Federal Medical Assistance
 10 Percentage based on the extension of the national public health emergency related to the
 11 COVID-19 pandemic.

12	GENERAL FUND	2022-23	2023-24	2024-25
13	All Other	(\$23,290,221)	\$0	\$0
14				
15	GENERAL FUND TOTAL	(\$23,290,221)	\$0	\$0

17	FEDERAL EXPENDITURES FUND	2022-23	2023-24	2024-25
18	All Other	\$23,290,221	\$0	\$0
19				
20	FEDERAL EXPENDITURES FUND	\$23,290,221	\$0	\$0
21	TOTAL			

22 **Office of Substance Abuse & Mental Health Srv-Medicaid Seed Z202**

23 Initiative: Adjusts funding for the 6.2% increase in the Federal Medical Assistance
 24 Percentage based on the extension of the national public health emergency related to the
 25 COVID-19 pandemic.

26	GENERAL FUND	2022-23	2023-24	2024-25
27	All Other	(\$1,733,115)	\$0	\$0
28				
29	GENERAL FUND TOTAL	(\$1,733,115)	\$0	\$0

31	FUND FOR A HEALTHY MAINE	2022-23	2023-24	2024-25
32	All Other	(\$167,767)	\$0	\$0
33				
34	FUND FOR A HEALTHY MAINE	(\$167,767)	\$0	\$0
35	TOTAL			

36 **Traumatic Brain Injury Seed Z214**

37 Initiative: Adjusts funding for the 6.2% increase in the Federal Medical Assistance
 38 Percentage based on the extension of the national public health emergency related to the
 39 COVID-19 pandemic.

40	GENERAL FUND	2022-23	2023-24	2024-25
41	All Other	(\$15,833)	\$0	\$0
42				

1	GENERAL FUND TOTAL	(\$15,833)	\$0	\$0
2				
3	HEALTH AND HUMAN			
4	SERVICES, DEPARTMENT OF			
5	DEPARTMENT TOTALS	2022-23	2023-24	2024-25
6				
7	GENERAL FUND	(\$156,752,586)	\$0	\$0
8	FEDERAL EXPENDITURES	\$158,965,759	\$0	\$0
9	FUND			
10	FUND FOR A HEALTHY MAINE	(\$4,154,555)	\$0	\$0
11	FEDERAL BLOCK GRANT	\$1,941,382	\$0	\$0
12	FUND			
13				
14	DEPARTMENT TOTAL - ALL	\$0	\$0	\$0
15	FUNDS			

16 **PART E**

17 **Sec. E-1. 38 MRSA §603-A, sub-§7-A** is enacted to read:

18 **7-A. Emergency variance.** The commissioner, without hearing, may suspend any of
 19 the sulfur content requirements of subsection 2 if the commissioner finds that the expected
 20 availability of fuel that complies with those requirements is inadequate to meet the needs
 21 of residential, commercial or industrial users in this State and that such expected
 22 unavailability constitutes an immediate threat to public health, safety or the general
 23 welfare. The commissioner shall specify in writing the period during which the suspension
 24 is in effect.

25 **PART F**

26 **Sec. F-1. Suspension of transfers to Maine Budget Stabilization Fund.**

27 Notwithstanding any provision of law to the contrary, the requirement in the Maine Revised
 28 Statutes, Title 5, section 1535 that certain baseline General Fund revenue and other
 29 available budgeted General Fund resources that exceed the General Fund appropriation
 30 limit be transferred to the Maine Budget Stabilization Fund is suspended for the duration
 31 of fiscal year 2022-23.

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

34 **SUMMARY**

35 This bill provides relief to certain Maine households to assist them with high costs for
 36 home heating.

37 Part A transfers funds totaling \$71,000,000 from the unappropriated surplus of the
 38 General Fund to the Maine State Housing Authority no later than June 30, 2023. Of this
 39 amount, \$40,000,000 is allocated for heating assistance to households in the State eligible
 40 for the federal Low Income Home Energy Assistance Program, \$10,000,000 is allocated as
 41 emergency funds to households to avert an energy crisis and \$21,000,000 is allocated for

1 emergency housing to prevent people from experiencing homelessness during the 2022-
2 2023 winter months.

3 Part B establishes the Winter Energy Relief Payment Program and transfers funds on
4 a one-time basis totaling \$398,000,000 from the unappropriated surplus of the General
5 Fund to the newly created Winter Energy Relief Payment Program Fund Other Special
6 Revenue Funds account no later than December 31, 2022 to fund the program. The
7 program provides relief payments of \$450 to individuals who filed a Maine income tax
8 return as of October 31, 2022 and who had income less than: \$200,000, if filing as an
9 individual filing a married joint return or a surviving spouse permitted to file a joint return;
10 \$150,000, if filing as a head of household; or \$100,000, if filing as a single individual or as
11 a married individual filing a separate return.

12 The State Tax Assessor is required to identify eligible recipients and make relief
13 payments to those individuals no later than March 31, 2023. A process is specified to allow
14 individuals who are eligible but who have not received a relief payment to document
15 eligibility to the State Tax Assessor. The relief payment is not considered income for
16 Maine income tax purposes.

17 Part C transfers \$4,433,437 from the unappropriated surplus of the General Fund to the
18 COVID Pandemic Relief Payment Program no later than June 30, 2023. Part C also
19 transfers \$385,754 from the COVID Disaster Relief Payment Fund Other Special Revenue
20 Funds account and \$6,674,993 from the Homestead Property Tax Exemption
21 Reimbursement, Other Special Revenue Funds account to the COVID Pandemic Relief
22 Payment Program. Part C provides the COVID Pandemic Relief Payment Program with an
23 Other Special Revenue Funds allocation of \$11,494,184 in fiscal year 2022-23 to complete
24 the \$850 pandemic relief payment to each eligible resident of the State as authorized in
25 Public Law 2021, chapter 635, Part L.

26 Part D includes General Fund deappropriations to the Department of Health and
27 Human Services of \$156,752,586 in fiscal year 2022-23 to adjust funding for the 6.2%
28 increase in the Federal Medical Assistance Percentage based on the extension of the
29 national public health emergency related to the COVID-19 pandemic for the first, 2nd and
30 3rd quarter of fiscal year 2022-23. This adjustment also deallocates \$4,154,555 from the
31 Fund for a Healthy Maine in fiscal year 2022-23. The offsets for these deappropriations
32 and deallocations are Federal Expenditures Fund allocations of \$158,965,759 and Federal
33 Block Grant Fund allocations of \$1,941,382 in fiscal year 2022-23.

34 Part E allows the Commissioner of Environmental Protection to suspend the sulfur
35 content requirements for liquid and solid fossil fuels if the commissioner finds that the
36 expected availability of fuel that complies with those requirements is inadequate to meet
37 the needs of residential, commercial or industrial users in this State and that such expected
38 unavailability constitutes an immediate threat to public health, safety or the general
39 welfare. The commissioner is required to specify in writing the period during which the
40 suspension is in effect.

41 Part F requires the temporary suspension of the provision of law that requires certain
42 General Fund revenue and resources that exceed the General Fund appropriation limit to
43 be transferred to the Maine Budget Stabilization Fund.

44 **FISCAL NOTE REQUIRED**

45 **(See attached)**