

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND ELEVENTH LEGISLATURE

**FIRST REGULAR SESSION**  
December 1, 1982 to June 24, 1983  
Chapters 453-End

AND AT THE  
**FIRST SPECIAL SESSION**  
September 6, 1983 to September 7, 1983  
Chapters 583-588

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ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

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J.S. McCarthy Co., Inc.  
Augusta, Maine  
1983

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION

CONTINUED

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

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## CHAPTER 481

H.P. 223 - L.D. 271

### AN ACT Relating to Certifying Indian Representatives.

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

3 MRSA §1, as amended by PL 1975, c. 771, §9, is further amended by adding at the end a new paragraph to read:

The Tribal Clerk of the Penobscot Indian Nation shall, on or before the day preceding the meeting of the Legislature, furnish to the Clerk of the preceding House of Representatives a certification, under the seal of the Nation, of the name and residence of the Representative-elect of the Penobscot Indian Nation to the Legislature. The Tribal Clerk of the Passamaquoddy Tribe of the reservation from which the Representative-elect of that tribe has been chosen shall, on or before the day preceding the meeting of the Legislature, furnish the Clerk of the preceding House of Representatives a certification of the name and residence of the Representative-elect of the Passamaquoddy Tribe to the Legislature.

Effective September 23, 1983.

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## CHAPTER 482

H.P. 1281 - L.D. 1698

### AN ACT Amending and Expanding the Home Winterization Program Statute.

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

Sec. 1. 22 MRSA c. 1458, first 2 lines, as enacted by PL 1977, c. 571, §1, are repealed and the following enacted in their place:

#### CHAPTER 1458

#### HOME WEATHERIZATION AND FUEL ASSISTANCE PROGRAMS

Sec. 2. 22 MRSA §5201, as enacted by PL 1977, c. 571, §1, is amended to read:

§5201. Provision of funds

The Legislature finds that many homes in which the low income elderly, disabled handicapped and other low income families live have not been constructed to sufficiently protect the occupants from winter weather. As a result, many of these families have experienced health problems and great discomfort. Many of the elderly, disabled handicapped and other low income people lack the means to finance retrofitting or winterization weatherization of their homes. The Legislature, therefore, declares it to be in the public interest to provide funds for the implementation of the winterization program fuel assistance and weatherization programs in Maine in order to provide greater comfort for low income people and to conserve energy within the State.

Sec. 3. 22 MRSA §5202, as enacted by PL 1977, c. 571, §1, is repealed and the following enacted in its place:

§5202. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms shall have the following meanings.

1. Fuel assistance. "Fuel assistance" means assistance paid to fuel vendors on behalf of an eligible household or directly to eligible tenants who pay heating costs as an undesignated portion of rent.

2. Handicapped. "Handicapped" means any individual:

A. Who is a handicapped individual as defined in the Rehabilitation Act of 1973 in the United States Code, Title 29, Section 706(7);

B. Who is under a disability as defined in the United States Code, Title 42, Section 1382C(a)(3)(A) or the United States Code, Title 42, Section 423(d)(1) or in the United States Developmental Disabilities Services and Facilities Construction Act, United States Code, Title 42, Section 6001(7); or

C. Who is receiving benefits under the United States Code, Title 38, Chapter 11 or 15.

3. Household. "Household" means any individual or group of individuals who are living together as one economic unit for whom residential energy is customarily purchased in common or who makes undesignated payments for energy in the form of rent.

4. Low income. "Low income" means the income of a household that is no more than 150% of the poverty income guidelines as defined in the United States Code, Title 42, Section 8624, Subsection (b)(2)B or a household which receives Aid to Families with Dependent Children or supplemental security benefits.

5. Elderly. "Elderly" means a person of 60 years or older.

6. Weatherization. "Weatherization" means making home repairs and energy saving improvements to minimize heat loss and improve thermal efficiency. Components include, but are not limited to, materials to minimize heat loss through infiltration; installation of a balanced combination of energy saving home improvements, including insulation and storm windows and doors; and, where needed, the adjustment, replacement and repair of heating systems.

Sec. 4. 22 MRSA §5203, sub-§1, as enacted by PL 1977, c. 571, §1, is amended to read:

1. Administering organization. The Executive Department, Division of Community Services, shall administer programs for ~~winterization~~ weatherization as defined in section 5202, subsection 5 6, and fuel assistance as defined in section 5202, subsection 1.

Sec. 5. 22 MRSA §5203, sub-§2, as enacted by PL 1977, c. 571, §1, is repealed and the following enacted in its place:

2. Priorities. The priorities of the weatherization program shall be as follows:

A. Households which are eligible for fuel assistance benefits and which include:

(1) An elderly household member;

(2) A household member who is handicapped;  
or

(3) A household member who is under 24 months of age;

B. All other low income households which are eligible for fuel assistance benefits; and

C. All other low income households.

Sec. 6. 22 MRSA §5203, sub-§3, as enacted by PL 1981, c. 233, §1, is repealed and the following

enacted in its place:

3. Fuel assistance limitations. No work under this subsection may be undertaken for any household which is not eligible for fuel assistance in advance of work for households which are eligible for fuel assistance. All work under this subsection shall be within the limitations of federal budget constraints and federal regulations.

Sec. 7. 22 MRSA §5203, sub-§4 is enacted to read:

4. Coordination of weatherization and fuel assistance programs. The weatherization and fuel assistance programs shall, to the extent practicable, operate with common application and intake procedures, joint application and financial forms and identical outreach and certification personnel. The Division of Community Services shall make every effort to streamline and simplify the administration of both programs in order to facilitate a single application process for all common applicants.

Sec. 8. 22 MRSA §5204, as amended by PL 1981, c. 233, §2, is further amended to read:

§5204. Powers and duties

The Division of Community Services shall have the following powers and duties in order to implement the home ~~winterization~~ weatherization and fuel assistance programs:

1. Federal contracts. To enter into contracts with the Government of the United States or any agency or instrumentality thereof, with the State or any agency or instrumentality thereof, or with any other municipality, district, private corporation, copartnership, association or individual providing for or relating to the ~~winterization~~ program weatherization and fuel assistance programs;

2. Federal aid. To accept from any authorized agency of the Federal Government or the state grants for the ~~home winterization~~ program weatherization and fuel assistance programs and to enter into agreements with such agency respecting any such grants, and to receive and accept aid and contributions from any source of either money, property, labor or other things of value, to be held, used and applied for only the purposes for which such loans, grants and contributions may be made. The Division of Community Services shall make every effort to retain any surplus money from grants for other programs to use in ~~winterization~~ weatherization, fuel assistance or

related programs; and

3. Rules and regulations. To make rules and regulations, after hearing, to include the disbursement of funds to subcontracting agencies and organizations, the uses for which the moneys provided to subcontracting agencies and organizations may be expended, and reports by subcontracting agencies to the Division of Community Services concerning the results of the winterization program weatherization and fuel assistance programs.

The Division of Community Services shall review and evaluate the home winterization program weatherization and fuel assistance programs and report its findings to the Legislature.

Sec. 9. 22 MRSA §5205 is enacted to read:

§5205. Confidentiality of records

1. Confidentiality. Records containing the following information shall be deemed confidential and shall not be considered public records for the purposes of Title 1, section 402, subsection 3:

A. Any information acquired by a local program operator of the weatherization or fuel assistance programs, by a participating fuel vendor, by a private contractor providing services to a local program operator or an employee or agent of any of those persons when that information was provided by an applicant for weatherization or fuel assistance or by any 3rd person pertaining to that application;

B. Any statements of financial condition or information pertaining thereto submitted to a local program operator of the weatherization or fuel assistance programs or to an employee or agent thereof in connection with an application for weatherization or fuel assistance.

2. State agencies; access. Notwithstanding subsection 1, any agency of the State which has a legitimate reason to know shall be given access to those records.

3. Waiver of protection. Nothing in this section may be construed to limit in any way the right of any person whose interest is protected by this section to waive, in writing or otherwise, the benefits of protection.

4. Reports to State Government or Federal Government. Notwithstanding subsection 1, the Division



of Community Services may make such full and complete reports concerning its administration of weatherization and fuel assistance programs as may be required by the Legislature, the Federal Government or any agency or department thereof.

Effective September 23, 1983.

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## CHAPTER 483

S.P. 470 - L.D. 1434

AN ACT to Reassign Responsibilities  
Within the Department of Environmental  
Protection.

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

Sec. 1. 38 MRSA §342, sub-§1, as amended by PL 1977, c. 564, §134, is repealed.

Sec. 2. 38 MRSA §342, sub-§1-A is enacted to read:

1-A. Administration of department. He shall be the chief administrative officer of the Department of Environmental Protection and responsible for all administrative matters of the department.

Sec. 3. 38 MRSA §342, sub-§4, as repealed and replaced by PL 1977, c. 596, §1, is amended to read:

4. Organization of department. The commissioner, ~~subject to the approval of a majority of~~ after consultation with the Board of Environmental Protection, shall organize the department into the bureaus, divisions, regional offices and other administrative units that he deems necessary to fulfill the duties of the department and support the duties of the Board of Environmental Protection. ~~With the approval of a majority of~~ After consultation with the Board of Environmental Protection, he shall prescribe the functions of the bureaus and other administrative units to insure that the powers and duties of the board are administered efficiently so that all license applications and other business of the department may be expeditiously completed in the public interest.

Sec. 4. 38 MRSA §361, first ¶, as amended by PL 1977, c. 596, §2, is further amended to read: