

**§745. Disaster Recovery Fund**

**1. Fund established.** There is established the Disaster Recovery Fund, referred to in this section as "the fund," to be administered by the agency.

[PL 2013, c. 146, §13 (AMD).]

**2. Sources of fund.** The following must be paid into the fund:

A. All money appropriated for inclusion in the fund; [PL 2005, c. 439, §1 (NEW).]

B. All interest from investment of the fund; [PL 2009, c. 252, §2 (AMD).]

C. Any other money deposited in the fund from the Department of Defense, Veterans and Emergency Management, Disaster Assistance Relief, Other Special Revenue Funds account; and [PL 2009, c. 252, §2 (AMD).]

D. Reimbursement received from the Federal Government or other legal entity for disaster recovery assistance expenditures made from the fund. [PL 2013, c. 146, §13 (AMD).]

[PL 2013, c. 146, §13 (AMD).]

**3. Use of fund.** The fund must be the first resource used when section 742 or 744 is invoked. The fund may be used for any of the following at the discretion of the Governor or Governor's designee:

A. To provide disaster recovery assistance to individuals and families when a federal disaster declaration is not received; [PL 2013, c. 146, §13 (AMD).]

B. To provide disaster recovery assistance to local governmental units of the State for infrastructure repair and response when a federal disaster declaration is not received; [PL 2013, c. 146, §13 (AMD).]

C. Emergency response costs for state agencies; [PL 2009, c. 252, §3 (NEW).]

D. To provide low-interest loans to businesses for disaster recovery assistance when a federal disaster declaration is not received; [PL 2013, c. 146, §13 (AMD).]

E. Disaster-related unmet needs of individuals and families following a federally declared disaster; [PL 2009, c. 252, §3 (NEW).]

F. Matching funds for assistance to individuals in a federally declared disaster; and [PL 2009, c. 252, §3 (NEW).]

G. Matching funds for assistance to state and local governmental units in a federally declared disaster. [PL 2009, c. 252, §3 (NEW).]

[PL 2013, c. 146, §13 (AMD).]

**4. Fund balance.** The fund's balance may not exceed \$3,000,000, except by order of the Governor. In the absence of such an order, any amount, including interest, that accrues in excess of \$3,000,000 must be transferred by the State Controller to the Maine Budget Stabilization Fund, established in Title 5, section 1532. Beginning July 1, 2010, the fund's maximum allowable balance must be adjusted annually on July 1st by any percentage change in the Consumer Price Index from January 1st to December 31st of the previous year, but only to a maximum increase of 2%.

[PL 2009, c. 252, §4 (AMD).]

**5. Annual report.** The director shall submit a written report by January 15, 2007 and annually thereafter to the Governor and the Legislature on the fund's balance and expenditures.

[PL 2005, c. 634, §13 (NEW).]

**6. Rules.** The agency shall adopt rules governing the process for the expenditure of funds from the fund. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2007, c. 462, §5 (NEW).]

## SECTION HISTORY

PL 2005, c. 439, §1 (NEW). PL 2005, c. 634, §13 (AMD). PL 2007, c. 462, §5 (AMD). PL 2009, c. 252, §§2-4 (AMD). PL 2013, c. 146, §13 (AMD).

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