

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-THREE

H.P. 5 - L.D. 3

An Act to Establish the Winter Energy Relief Payment Program to Aid Residents with High Heating Costs and to Finalize the COVID Pandemic Relief Payment Program

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

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

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

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

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

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

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

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

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

PART A

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

Sec. A-2. Transfer from General Fund unappropriated surplus; Housing Authority - State; additional. Notwithstanding any provision of law to the contrary, 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 TOTAL	<u>\$21,000,000</u>	<u>\$0</u>	<u>\$0</u>

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 TOTAL	<u>\$40,000,000</u>	<u>\$0</u>	<u>\$0</u>

Housing Authority - State 0442

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

OTHER SPECIAL REVENUE FUNDS	2022-23	2023-24	2024-25
All Other	\$10,000,000	\$0	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$10,000,000</u>	<u>\$0</u>	<u>\$0</u>

HOUSING AUTHORITY, MAINE STATE

DEPARTMENT TOTALS	2022-23	2023-24	2024-25
OTHER SPECIAL REVENUE FUNDS	\$71,000,000	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	<u>\$71,000,000</u>	<u>\$0</u>	<u>\$0</u>

PART B

Sec. B-1. Winter Energy Relief Payment Program Fund Other Special Revenue Funds account established. The State Controller shall establish within the Department of Administrative and Financial Services the nonlapsing Winter Energy Relief Payment Program Fund Other Special Revenue Funds account, which is funded through a

transfer from the available balance of the unappropriated surplus of the General Fund pursuant to section 2.

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

Sec. B-3. Winter Energy Relief Payment Program established. Because the State has determined that residents of the State face high winter energy costs and the effects of the ongoing COVID-19 pandemic and this warrants assistance from the State, the Winter Energy Relief Payment Program is established within the Department of Administrative and Financial Services to promote the general welfare by providing a relief payment to eligible Maine recipients to offset some of the expenses that have been incurred, and will be incurred in the winter months of 2022-2023, by those recipients as a result of high winter energy costs and the COVID-19 pandemic, including, without limitation, personal, family and living expenses.

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

A. "Assessor" means the State Tax Assessor.

B. "Eligible recipient" means an individual who:

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

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

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

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

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

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

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

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

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

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

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

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

A. The assessor shall identify each eligible recipient.

B. Beginning as soon as administratively feasible but not later than March 15, 2023, the assessor shall make a relief payment to each eligible recipient. Funds for the relief payments must come from the fund and, notwithstanding any law to the contrary, are not subject to setoff to debts owed to agencies of the State.

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

D. By September 30, 2023, the assessor shall make a relief payment to each eligible recipient determined eligible pursuant to paragraph C. Funds for the relief payments must come from the fund and, notwithstanding any law to the contrary, are not subject to setoff to debts owed to agencies of the State.

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

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

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

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

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

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

OTHER SPECIAL REVENUE FUNDS	2022-23	2023-24	2024-25
All Other	\$398,000,000	\$500	\$0
OTHER SPECIAL REVENUE FUNDS	\$398,000,000	\$500	\$0
TOTAL			

PART C

Sec. C-1. Transfer between COVID Disaster Relief Payment Fund Other Special Revenue Funds account and COVID Pandemic Relief Payment Program Fund Other Special Revenue Funds account. Notwithstanding any provision of law to the contrary, on or before June 30, 2023, the State Controller shall transfer \$385,754 from the available balance within the Department of Administrative and Financial Services, COVID Disaster Relief Payment Fund Other Special Revenue Funds account to the Department of Administrative and Financial Services, COVID Pandemic Relief Payment Program Fund Other Special Revenue Funds account in order to support the higher than estimated number of eligible recipients. Funds are available based on lower than estimated COVID disaster relief payments, as authorized in Public Law 2021, chapter 398, Part HHHH and expended in fiscal year 2021-22.

Sec. C-2. Transfer between Homestead Property Tax Exemption Reimbursement, Other Special Revenue Funds account and COVID Pandemic Relief Payment Program Fund Other Special Revenue Funds account. Notwithstanding any provision of law to the contrary, on or before June 30, 2023, the State Controller shall transfer \$6,674,993 from the available balance within the Department of Administrative and Financial Services, Homestead Property Tax Exemption Reimbursement, Other Special Revenue Funds account to the Department of Administrative and Financial Services, COVID Pandemic Relief Payment Program Fund Other Special Revenue Funds account in order to support the higher than estimated number of eligible recipients. Funds are available based on lower than estimated homestead reimbursements in fiscal year 2021-22 and fiscal year 2022-23.

Sec. C-3. Transfer from General Fund unappropriated surplus; COVID Pandemic Relief Payment Program Fund Other Special Revenue Funds account. Notwithstanding any provision of law to the contrary, on or before June 30, 2023, the State Controller shall transfer \$4,433,437 from the unappropriated surplus of the General Fund to the Department of Administrative and Financial Services, COVID Pandemic Relief Payment Program Fund Other Special Revenue Funds account to support the higher than estimated number of eligible recipients.

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

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

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

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

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

OTHER SPECIAL REVENUE FUNDS	2022-23	2023-24	2024-25
All Other	\$11,494,184	\$0	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$11,494,184	\$0	\$0

PART D

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

HEALTH AND HUMAN SERVICES, DEPARTMENT OF

Developmental Services Waiver - MaineCare Z211

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

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

Developmental Services Waiver - Supports Z212

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

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

GENERAL FUND TOTAL	(\$5,273,489)	\$0	\$0
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Medicaid Services - Developmental Services Z210

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

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

GENERAL FUND TOTAL	(\$4,649,892)	\$0	\$0
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Medicaid Waiver for Brain Injury Residential /Community Serv Z218

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

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

GENERAL FUND TOTAL	(\$1,054,699)	\$0	\$0
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Medicaid Waiver for Other Related Conditions Z217

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

GENERAL FUND	2022-23	2023-24	2024-25
All Other	(\$474,268)	\$0	\$0

GENERAL FUND TOTAL	(\$474,268)	\$0	\$0
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Medical Care - Payments to Providers 0147

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

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

GENERAL FUND TOTAL	(\$84,923,871)	\$0	\$0
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FEDERAL EXPENDITURES FUND	2022-23	2023-24	2024-25
All Other	\$135,675,538	\$0	\$0

FEDERAL EXPENDITURES FUND TOTAL	\$135,675,538	\$0	\$0
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FUND FOR A HEALTHY MAINE	2022-23	2023-24	2024-25
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All Other	(\$3,986,788)	\$0	\$0
FUND FOR A HEALTHY MAINE TOTAL	(\$3,986,788)	\$0	\$0

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

Mental Health Services - Child Medicaid Z207

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

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

Mental Health Services - Community Medicaid Z201

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

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

Nursing Facilities 0148

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

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

FEDERAL EXPENDITURES FUND	2022-23	2023-24	2024-25
All Other	\$23,290,221	\$0	\$0
FEDERAL EXPENDITURES FUND TOTAL	\$23,290,221	\$0	\$0

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

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

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

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

Traumatic Brain Injury Seed Z214

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

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

HEALTH AND HUMAN SERVICES, DEPARTMENT OF DEPARTMENT TOTALS

	2022-23	2023-24	2024-25
GENERAL FUND	(\$156,752,586)	\$0	\$0
FEDERAL EXPENDITURES FUND	\$158,965,759	\$0	\$0
FUND FOR A HEALTHY MAINE	(\$4,154,555)	\$0	\$0
FEDERAL BLOCK GRANT FUND	\$1,941,382	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$0	\$0

PART E

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

7-A. Emergency variance. The commissioner, without hearing, may suspend any of the sulfur content requirements of subsection 2 if the commissioner finds that the expected availability of fuel that complies with those requirements is inadequate to meet the needs of residential, commercial or industrial users in this State and that such expected unavailability constitutes an immediate threat to public health, safety or the general

welfare. The commissioner shall specify in writing the period during which the suspension is in effect.

PART F

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

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

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