

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## SECOND SPECIAL SESSION-2004

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Legislative Document

No. 1948

S.P. 790

In Senate, March 30, 2004

### An Act Relating to Energy-related Building Standards

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The Majority of the Joint Standing Committee on Utilities and Energy, pursuant to Public Law 2003, chapter 497 and Resolve 2003, chapter 101, section 3, Reports the Same Ought to Pass.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

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

2           **Sec. 1. 10 MRSA §1415-C, sub-§1**, as amended by PL 1991, c.  
4 246, §7, is repealed.

6           **Sec. 2. 10 MRSA §1415-C, sub-§1-A**, as enacted by PL 1991, c.  
8 246, §8, is repealed.

10           **Sec. 3. 10 MRSA §1415-C, sub-§2**, as enacted by PL 1987, c.  
12 818, §4, is repealed.

14           **Sec. 4. 10 MRSA §1415-C, sub-§3**, as amended by PL 2003, c.  
16 151, §4, is further amended to read:

18           **3. Multifamily structures.** Effective January 1, 2004, in  
20 addition to conforming to the requirements of this section, any  
22 new construction or renovation of a conditioned space in any  
24 residential building of more than 2 dwelling units must conform  
26 to ASHRAE Standard 62-2001 and ASHRAE Standard 90.1-2001.  
28 90.1-2001. For the purposes of this subsection, compliance with  
30 the 2003 edition of the International Energy Conservation Code  
32 published by the International Code Council constitutes  
34 compliance with ASHRAE Standard 90.1-2001.

36           **Sec. 5. 10 MRSA §1415-D, first ¶**, as amended by PL 2003, c. 151,  
38 §5, is further amended to read:

40           Except as provided in this section, new construction or  
42 substantial renovation of any commercial or institutional  
44 building undertaken after January 1, 2004 must conform to ASHRAE  
46 Standard 62-2001 and ASHRAE Standard 90.1-2001 under any of the  
48 compliance methods specified in the standards. For the purpose  
50 of this section compliance with the 2003 edition of the  
International Energy Conservation Code published by the  
International Code Council constitutes compliance with ASHRAE  
Standard 90.1-2001. For the purpose of this section,  
"substantial renovation" means any renovation for which the cost  
exceeds 50% of the building's current value prior to renovation.

**Sec. 6. 35-A MRSA §121** is enacted to read:

**§121. Model code**

**1. Development; rules.** The commission shall adopt by rule  
a model building energy code, including a ventilation code, that  
is consistent with any other model building codes adopted by the  
State and with the building energy standards established in Title  
10, section 1415-C, subsection 3 and section 1415-D. The  
commission shall ensure that the model code is not inconsistent  
with any other applicable state code or standard, including, but

2 not limited to, any fire safety code, plumbing code, oil and  
3 solid fuel equipment standard, propane and natural gas equipment  
4 standard or boiler and pressure vessel standard.

5 Rules adopted pursuant to this subsection are major substantive  
6 rules as defined in Title 5, chapter 375, subchapter 2-A.

7 2. Model code. After the effective date of rules adopted  
8 pursuant to subsection 1, a municipality may not adopt a building  
9 energy code other than the model building energy code. Nothing  
10 in this section requires a municipality to adopt a building  
11 energy code. A municipality that has a building energy code in  
12 effect prior to the effective date of the rules may continue to  
13 keep that code, but if the municipality replaces its energy code  
14 it must adopt the model building energy code.

15 **Sec. 7. Commission investigation.** The Public Utilities  
16 Commission shall examine compliance and enforcement alternatives  
17 designed to ensure that residential and commercial buildings are  
18 constructed in conformance with statutory building energy codes.  
19 In particular, the commission shall examine the funding level and  
20 resources required for effective enforcement; possible sources of  
21 enforcement funding; which public or private entities could be  
22 charged with enforcement authority; the sanctions that could be  
23 imposed for violations; the effectiveness of different  
24 enforcement alternatives; and means by which energy code  
25 enforcement can be integrated with the enforcement of other  
26 building codes. In conducting its examination, the commission  
27 shall examine compliance and enforcement alternatives used in  
28 other states.  
29

30  
31 The commission shall report the results of its examination,  
32 together with any proposed legislation, to the joint standing  
33 committee of the Legislature having jurisdiction over utilities  
34 and energy matters by December 31, 2004. The commission's  
35 analysis must present the advantages and disadvantages of  
36 implementing the examined enforcement alternatives in this State.  
37

38 **Sec. 8. Authority to report legislation.** The joint standing  
39 committee of the Legislature having jurisdiction over utilities  
40 and energy matters may report out legislation to the First  
41 Regular Session of the 122nd Legislature concerning building  
42 energy codes, including but not limited to legislation concerning  
43 the application of the model building energy code adopted by rule  
44 by the Public Utilities Commission and the enforcement of state  
45 building energy standards.  
46

47 **Sec. 9. Effective date.** Those sections of this Act that repeal  
48 the Maine Revised Statutes, Title 10, section 1415-C,

2 subsections 1, 1-A and 2 take effect 90 days after the  
adjournment of the First Regular Session of the 122nd Legislature.

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### 6 SUMMARY

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8 This bill, which is reported by a majority of the Joint  
Standing Committee on Utilities and Energy pursuant to its  
authority under Public Law 2003, chapter 497, does the following:

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12 1. It repeals the current single-family residential  
building insulation standards effective 90 days after the  
adjournment of the First Regular Session of the 122nd Legislature;

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16 2. It amends the commercial, institutional and multifamily  
building energy standards to provide that compliance with the  
2003 International Energy Conservation Code satisfies those  
energy standards;

18

20 3. It directs the Public Utilities Commission to adopt  
through major substantive rules a model building energy code that  
is consistent with other state codes, including the commercial,  
institutional and multifamily state building standards, and any  
model building codes adopted by the State;

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24

26 4. It provides that after the model building energy code  
takes effect, municipalities would be required on a going-forward  
basis to choose the model code if they choose to adopt an energy  
code; municipalities would not be required to adopt an energy  
code or to replace any existing code;

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30

32 5. It directs the Public Utilities Commission to examine  
enforcement issues related to building energy codes; and

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36 6. It authorizes the joint standing committee of the  
Legislature having jurisdiction over utilities and energy matters  
to report out legislation to the First Regular Session of the  
122nd Legislature concerning building energy codes, including but  
not limited to legislation concerning the application of the  
model building energy code and the enforcement of state building  
energy standards.

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**FISCAL NOTE REQUIRED**  
**(See attached)**

**121st Maine Legislature  
Office of Fiscal and Program Review**

**LD xxxx - New Draft  
An Act Relating to Energy-related Building Standards**



**LR 2854(01)**

**Fiscal Note for New Draft  
Committee: Utilities and Energy  
Fiscal Note Required: Yes**

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**Fiscal Note**

Minor cost increase - Other Special Revenue Funds

**Fiscal Detail and Notes**

Additional costs associated with implementing this legislation can be absorbed by the Public Utilities Commission utilizing existing budgeted resources.