

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

SECOND SPECIAL SESSION
June 19, 2018 to September 13, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 13, 2018

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2018 to June 20, 2019

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 2019

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2019

**CHAPTER 390
H.P. 1089 - L.D. 1487**

**An Act To Exempt Holders of
Gold Star Family Registration
Plates from Vehicle
Registration Fees**

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

Sec. 1. 29-A MRSA §501, as amended by PL 2015, c. 206, §4 and c. 267, Pt. BBBB, §1, is further amended by adding at the end a new paragraph to read:

A person possessing or applying for a registration certificate and a set of gold star family registration plates pursuant to section 524-B is exempt from registration fees under this section for the motor vehicle registered or to be registered.

Sec. 2. 29-A MRSA §524-B, sub-§1, as amended by PL 2015, c. 17, §1 and affected by §3, is further amended to read:

1. Eligibility. Notwithstanding the requirements in section 468-A, the Secretary of State, upon application and upon evidence of payment of the excise tax required by Title 36, section 1482 ~~and the annual motor vehicle registration fee required by section 501~~, shall issue a registration certificate and a set of gold star family registration plates, to be used in lieu of regular registration plates, to:

A. A person who is eligible to receive a gold star lapel button under 10 United States Code, Section 1126 (2010);

B. A grandparent of a member of the United States Armed Forces, if that member dies after March 28, 1973 as a result of:

(1) An international terrorist attack against the United States or a foreign nation friendly to the United States, recognized as such an attack by the United States Secretary of Defense; or

(2) Military operations while serving outside the United States, including the commonwealths, territories and possessions of the United States, as a part of a peacekeeping force;

C. A person who is not eligible to receive a gold star lapel button under 10 United States Code, Section 1126 (2010) but who is eligible for a lapel button for next of kin of deceased personnel under 32 Code of Federal Regulations, Section 578.63 (2006); and

D. A grandparent of a member of the United States Armed Forces, if that member dies while

serving on active duty or while assigned in the reserve components of the United States Armed Forces or Army National Guard unit in a drill status.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

MUNICIPAL BOND BANK, MAINE

TransCap Trust Fund Z064

Initiative: Reduces allocations from providing free motor vehicle registrations to holders of gold star family registration plates.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	(\$3,000)	(\$12,000)
OTHER SPECIAL REVENUE FUNDS TOTAL	(\$3,000)	(\$12,000)

See title page for effective date.

**CHAPTER 391
H.P. 1101 - L.D. 1509**

**An Act To Amend the Laws
Governing the Maine Uniform
Building and Energy Code To
Ensure It Is Consistent with
Current Standards and Applies
to Small Municipalities**

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

Sec. 1. 10 MRSA §9721, sub-§§3 and 4, as corrected by RR 2011, c. 1, §9, are amended to read:

3. Maine Uniform Building Code. "Maine Uniform Building Code" means that portion of the Maine Uniform Building and Energy Code that does not contain energy code requirements as determined by the board pursuant to section 9722, subsection 6, paragraph ~~M~~ **B**.

4. Maine Uniform Energy Code. "Maine Uniform Energy Code" means that portion of the Maine Uniform Building and Energy Code that contains only energy code requirements as determined by the board pursuant to section 9722, subsection 6, paragraph ~~M~~ **B**.

Sec. 2. 10 MRSA §9722, sub-§2, as amended by PL 2011, c. 655, Pt. MM, §10 and affected by §26, is further amended to read:

2. Membership. The board consists of ~~11 voting~~ **12** members, including the Director of the Efficiency

Maine Trust, who serves ex officio and may not vote, and the following 11 individuals, who are voting members appointed by the Governor:

A. The State Fire Marshal or a designee or a fire chief, recommended by the Maine Fire Chiefs' Association or its successor organization;

B. A municipal code enforcement officer employed by a municipality that is not a service center community under Title 30-A, chapter 187, recommended by the Maine Municipal Association or its successor organization;

C. A municipal code enforcement officer employed by a service center community under Title 30-A, chapter 187, recommended by the Maine Service Centers Coalition or its successor organization;

D. A residential builder recommended by a statewide or regional association of home builders and remodelers;

E. A commercial builder recommended by a statewide association of general contractors;

F. An architect licensed in the State who is accredited by a nationally recognized organization that administers credentialing programs related to environmentally sound building practices and standards, recommended by a statewide chapter of a national institute of architects;

G. A structural engineer licensed in the State, recommended by a statewide association of structural engineers;

H. A historic preservation representative, recommended by the Maine Historic Preservation Commission, with experience implementing the standards for the treatment of historic properties set forth in 36 Code of Federal Regulations, Part 68 (2007), who is:

- (1) An architect licensed in the State;
- (2) A structural engineer licensed in the State; or
- (3) A builder;

I. An energy efficiency representative, recommended by the Director of the Governor's Energy Office within the Executive Department, who has experience or expertise in the design or implementation of energy codes or in the application of energy efficiency measures in residential or commercial construction;

J. A mechanical engineer licensed in the State, recommended by a statewide association of mechanical engineers; and

K. A lumber material dealer or supplier, recommended by a statewide association of lumber dealers in the State.

A member appointed under this subsection must have at least 5 years' experience in the field that member is nominated to represent and must be employed in that field.

Sec. 3. 10 MRSA §9722, sub-§4, as enacted by PL 2007, c. 699, §6, is amended to read:

4. Terms; removal. ~~Appointments to Appointed members of the board are made for a~~ appointed for 4-year term; terms and members are eligible for reappointment. If there is a vacancy for any cause among the appointed members, the Governor shall make an appointment immediately effective for the unexpired term. ~~A~~ An appointed member of the board may be removed from the board for cause by the Governor.

Sec. 4. 10 MRSA §9722, sub-§6, as amended by PL 2015, c. 126, §§1 to 3, is further amended to read:

6. Duties and powers. In addition to other duties set forth in this chapter, the board shall:

A. Adopt rules in accordance with the Maine Administrative Procedure Act necessary to carry out its duties under this chapter. Rules adopted pursuant to this chapter are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A;

B. Adopt, amend and maintain the Maine Uniform Building and Energy Code; The board shall ensure that the Maine Uniform Building and Energy Code consists of the following codes and standards:

- (1) International Building Code published by the International Code Council;
- (2) International Existing Building Code published by the International Code Council;
- (3) International Residential Code published by the International Code Council;
- (4) International Energy Conservation Code published by the International Code Council;
- (5) International Mechanical Code published by the International Code Council;
- (6) ASHRAE Standard 62.1 Ventilation for Acceptable Indoor Air Quality;
- (7) ASHRAE Standard 62.2 Ventilation and Acceptable Indoor Air Quality in Low-Rise Residential Buildings;
- (8) ASHRAE Standard 90.1 Energy Standard for Buildings Except Low-Rise Residential Buildings; and

(9) Standard Practice for Radon Control Options for the Design and Construction of New Low-Rise Residential Buildings published by the American Society for Testing and Materials.

For purposes of this paragraph, ASHRAE has the same meaning as in section 1413, subsection 1.

Codes and standards adopted under this paragraph are mandatory, except as provided in paragraph B-1. The board shall ensure that each new edition of a code or standard adopted under this paragraph is reviewed by the board, and that each code or standard adopted under paragraph B is either the most recent edition or the edition previous to the most recent edition of that code or standard;

B-1. Ensure the following in adopting and amending the Maine Uniform Building and Energy Code:

(1) That historic preservation is a policy priority by ensuring that:

(a) Provisions of model codes and standards intended to facilitate the continued use or adaptive reuse of historic buildings are maintained in the adopted versions of the Maine Uniform Building and Energy Code; and

(b) The board proactively identifies additional or alternative compliance means and methods for historic buildings in the adoption and amendment of the Maine Uniform Building and Energy Code;

(2) That nontraditional or experimental construction, including but not limited to straw bale, mass timber and earth berm construction, is permissible under the Maine Uniform Building and Energy Code;

(3) That building materials from local sawmills, including but not limited to non-graded lumber, are permissible under the Maine Uniform Building and Energy Code; and

(4) That buildings used to house livestock or harvested crops are not subject to the Maine Uniform Building and Energy Code;

C. Adopt rules for the review and adoption of amendments to the Maine Uniform Building and Energy Code, including:

(1) A process for consideration of amendment proposals submitted by municipalities, county, regional or state governmental units, professional trade organizations and the public;

(2) A requirement that amendments that are more restrictive than the national minimum

standard be accompanied by an economic impact statement that includes:

(a) An identification of the types and an estimate of the number of the small businesses subject to the proposed amendment;

(b) The projected reporting, record-keeping and other administrative costs required for compliance with the proposed amendment, including the type of professional skills necessary for preparation of the report or record;

(c) A brief statement of the probable impact on affected small businesses; and

(d) A description of any less intrusive or less costly, reasonable alternative methods of achieving the purposes of the proposed amendment;

(3) A process for reviewing and evaluating criteria to identify whether an amendment is needed to:

(a) Address a critical life or safety need, a specific state policy or statute or a unique character of the State;

(b) Ensure consistency with state rules or federal regulations; or

(c) Correct errors and omissions;

(4) Timelines governing the filing of amendments and a process to establish an annual adoption cycle; and

(5) A process for publication of adopted amendments within 30 days of adoption;

D. Identify and resolve conflicts between the Maine Uniform Building and Energy Code and the fire safety codes and standards adopted pursuant to Title 25, section 2452. The board shall develop rules designed to resolve these conflicts, which must include:

(1) Notification to the authority or authorities having jurisdiction over the code or standard that is in conflict with the Maine Uniform Building and Energy Code and a request for submission of proposed solutions for such conflicts;

(2) Procedures for consideration of proposed solutions submitted by the authority or authorities having jurisdiction over the code or standard that is in conflict with the Maine Uniform Building and Energy Code and consideration of new approaches to resolving the conflict; and

(3) Publication of resolution of the conflict within 30 days of adoption;

E. On January 31st of each calendar year beginning in 2011, report to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters any proposals for proposed conflict resolutions for codes and standards referenced in section 9725, subsections 2 to 7; proposals to improve the efficiency and effectiveness of those codes and standards; and alternative methods of funding for the board to create an equitable source of revenue;

F. Develop technical advisory groups of experts and interest group representatives as necessary to provide the board with detailed information and recommendations on amendments to the Maine Uniform Building and Energy Code, national model codes revisions and conflict resolution with other building-related codes and standards adopted in the State. The board may direct the technical advisory groups to identify economic impacts on small businesses, housing affordability, construction costs, life-cycle costs or code enforcement costs of proposed changes to the code;

G. In accordance with section 9723, ensure that training and certification regarding the Maine Uniform Building and Energy Code is readily available, affordable and accessible to municipal building officials; and

~~H. Make historic preservation a policy priority in the adoption and amendment of the Maine Uniform Building and Energy Code.~~

~~(1) Provisions of model codes and standards intended to facilitate the continued use or adaptive reuse of historic buildings must be maintained in the adopted versions of the Maine Uniform Building and Energy Code.~~

~~(2) The board shall proactively identify additional or alternative compliance means and methods for historic buildings in the adoption and amendment of the Maine Uniform Building and Energy Code;~~

I. Approve methods of energy performance rating for use in generating any consumer information labels that may be required in the marketing and sale of residential and commercial buildings or units within buildings;

~~J. In the adoption and amendment of the Maine Uniform Building and Energy Code, ensure that nontraditional or experimental construction, including but not limited to straw bale and earth berm construction, is permissible under the code;~~

~~K. In the adoption and amendment of the Maine Uniform Building and Energy Code, ensure that~~

~~building materials from local sawmills, including but not limited to nongraded lumber, are permissible under the code;~~

~~L. In the adoption and amendment of the Maine Uniform Building and Energy Code, adopt the standards for residential basement wall insulation under the 2006 edition of the International Energy Conservation Code published by the International Code Council;~~

~~M. Adopt, amend and maintain the Maine Uniform Building Code and the Maine Uniform Energy Code; and~~

~~N. In the adoption and amendment of the Maine Uniform Building and Energy Code, ensure that buildings used to house livestock or harvested crops are not subject to the code.~~

Sec. 5. 10 MRSA §9724, sub-§1, as amended by PL 2011, c. 408, §4, is further amended to read:

1. Limitations on home rule authority. This chapter provides express limitations on municipal home rule authority. The Maine Uniform Building and Energy Code must be enforced in a municipality that has more than 4,000 residents ~~and that has adopted any building code by August 1, 2008. Beginning July 1, 2012, the Maine Uniform Building and Energy Code must be enforced in a municipality that has more than 4,000 residents and that has not adopted any building code by August 1, 2008.~~ The Maine Uniform Building and Energy Code must be enforced through inspections that comply with Title 25, section 2373.

Sec. 6. 10 MRSA §9724, sub-§1-A, as enacted by PL 2011, c. 408, §5, is amended to read:

1-A. Municipalities up to 4,000 residents. A municipality of up to 4,000 residents is not required to enforce, but may not adopt or enforce a building code other than the Maine Uniform Building Code, the Maine Uniform Energy Code or the Maine Uniform Building and Energy Code. ~~Notwithstanding any other provision of this chapter or Title 25, chapter 314, the provisions of the Maine Uniform Building Code, the Maine Uniform Energy Code or the Maine Uniform Building and Energy Code do not apply in a municipality that has 4,000 or fewer residents except to the extent the municipality has adopted that code pursuant to this subsection.~~

Sec. 7. 25 MRSA §2373, first ¶, as amended by PL 2011, c. 408, §6, is further amended to read:

The code must be enforced in a municipality that has more than 4,000 residents ~~and that has adopted any building code by August 1, 2008. Beginning July 1, 2012, the code must be enforced in a municipality that has more than 4,000 residents and that has not adopted any building code by August 1, 2008.~~ The code must be enforced through inspections that comply with the code through any of the following means:

See title page for effective date.

CHAPTER 392

S.P. 480 - L.D. 1543

**An Act To Amend the Maine
Uniform Building and Energy
Code**

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

Sec. 1. 10 MRSA §9722, sub-§6, ¶M, as amended by PL 2015, c. 126, §2, is further amended to read:

M. Adopt, amend and maintain the Maine Uniform Building Code and the Maine Uniform Energy Code; ~~and~~

Sec. 2. 10 MRSA §9722, sub-§6, ¶N, as enacted by PL 2015, c. 126, §3, is amended to read:

N. In the adoption and amendment of the Maine Uniform Building and Energy Code, ensure that buildings used to house livestock or harvested crops are not subject to the code; and

Sec. 3. 10 MRSA §9722, sub-§6, ¶O is enacted to read:

O. No later than July 1, 2020, adopt, amend and maintain an appendix to the Maine Uniform Building and Energy Code as an optional part of the code that contains energy conservation and efficiency requirements that are based on established national voluntary efficiency standards that exceed the energy code requirements established in the Maine Uniform Building and Energy Code. As the code is updated, the board shall ensure that the energy conservation and efficiency requirements in the appendix continue to exceed the requirements established in the Maine Uniform Building and Energy Code. The appendix must be made available for voluntary adoption by any municipality. The board shall maintain a list of municipalities that have voluntarily adopted the appendix to the Maine Uniform Building and Energy Code on its publicly accessible website.

See title page for effective date.

CHAPTER 393

S.P. 483 - L.D. 1546

**An Act To Protect State
Employees When Their
Contracts Have Expired**

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

Sec. 1. 26 MRSA §979-T is enacted to read:

**§979-T. Obligations during interim between con-
tracts**

During the interim after the expiration of a collective bargaining agreement and before the effective date of any subsequent collective bargaining agreement, state employees covered by the expired collective bargaining agreement remain eligible for and must receive merit increases in accordance with the terms and conditions set forth in the expired collective bargaining agreement.

See title page for effective date.

CHAPTER 394

S.P. 486 - L.D. 1549

**An Act To Increase the
Supplement for Certain
National Board for
Professional Teaching
Standards Certified Teachers
in Maine**

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

Sec. 1. 20-A MRSA §13013-A, sub-§1, as amended by PL 2011, c. 702, §2, is further amended to read:

1. Department of Education salary supplement. Notwithstanding any other provision of law, the Department of Education shall provide a public school teacher or a teacher in a publicly supported secondary school who has attained certification from the National Board for Professional Teaching Standards, or its successor organization, with an annual national board certification salary supplement for the life of the certificate. The salary supplement must be added to the teacher's base salary and must be considered in the calculation for contributions to the Maine Public Employees Retirement System. If a nationally certified teacher is no longer employed as a teacher, the supplement ceases. The amount of the salary supplement is:

A. For fiscal year 2012-13, \$2,500;