

MAINE STATE LEGISLATURE

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OFFICE OF
THE GOVERNOR

NO. 5 FY 23/24
DATE Jan 17, 2024

AN ORDER TO LEAD BY EXAMPLE IN STATE OWNED AND LEASED BUILDINGS

WHEREAS, Maine is required to be carbon neutral by 2045, and has committed to reduce greenhouse gas (GHG) emissions 45% below 1990 levels by 2030 and at least 80% by 2050;

WHEREAS, a changing climate, and the need for new, more efficient technologies offers tremendous opportunities for Maine's wood products sector, and Maine is poised to be a leader in innovative construction products;

WHEREAS, heating, cooling, and lighting of buildings are responsible for almost one-third of Maine's greenhouse gas emissions, and Maine can reduce greenhouse gases by modernizing our buildings to use cleaner energy, increase energy efficiency, and utilize lower-carbon building materials;

WHEREAS, a building's overall carbon emissions result from a combination of the carbon embedded in materials (embodied carbon) and the energy usage associated with maintaining building operations (operational carbon), and annually, embodied carbon is responsible for 11% of global GHG emissions and 28% of global building sector emissions;

WHEREAS, nearly 90% of Maine is forested, the highest percentage in any state, and Maine's forest products industry is vital to Maine's economy, generating \$8.5 billion (equivalent to \$1 out of every \$20 of the state GDP) in economic impact and sustaining more than 33,500 jobs (1 out of every 24 jobs) in Maine in 2016;

WHEREAS, the Maine Climate Council developed a Climate Action Plan to meet the emissions targets while growing Maine's economy, with a particular focus on the buildings, infrastructure, transportation, and energy sectors, as well as to increase the resiliency of Maine's communities, industries and people;

WHEREAS, the Climate Action Plan committed to advancing the design and promotion of climate friendly building products, including the support of innovation, incentives, building codes, and marketing programs to increase the use of efficient and climate-friendly Maine forest products, including mass timber and wood fiber insulation;

WHEREAS, Maine should promote the use of building materials such as mass timber and wood-fiber insulation, which reduce greenhouse emissions in construction, as wood products have lower embodied carbon values compared with steel, concrete, and many insulation

products, while storing carbon for the life of the product. These products, if produced in Maine, also support economic development opportunities in Maine's forest-products sector;

WHEREAS, energy efficiency, renewable energy, and sustainability measures will both reduce operational costs and reduce state government's carbon emissions;

NOW THEREFORE, I, Janet T. Mills, Governor of the State of Maine, pursuant to Me. Const. Art V, Pt 1, Secs 1 and 12, do hereby order as follows:

- I. **Prior inconsistent Executive Orders hereby repealed.** Executive Order 27 FY 11/12, *An Order Regarding the Use of Green Building Standards in State Buildings* (December 7, 2011), is hereby repealed;
- II. **State Public Improvement Projects**
 - A. **Training.** Within six months of the issuance of this Order, the Bureau of General Services (BGS) shall ensure its architects, engineers, and project managers receive training on the International Energy Conservation Code (2021 and 2024), and adopt a protocol to ensure such training for all future code cycles adopted by MUBEC.
 - B. **New Construction.** Effective immediately, BGS shall require new state-owned buildings to be designed and built without the use of fossil fuels for heating, ventilation, air conditioning (HVAC), or water heating. BGS shall also require new construction to be designed and built to the adopted state stretch code under MUBEC. If a stretch code has not been adopted at the time of construction, then new construction shall be designed and built to the adopted base code under MUBEC.
 - C. **Major Renovations.** Effective July 1, 2024, BGS shall require buildings undergoing substantial renovations costing 50% or more against the value of the building, consistent with the definition in 5 M.R.S. § 1764-A, to replace fossil fuel-combusting HVAC and water heating technologies with non-fossil fuel HVAC and water heating technologies. These substantial renovations must also be compliant with the adopted state base code under MUBEC.
 - D. **EV Charging Stations.** Effective July 1, 2024, BGS shall require that new construction, substantially renovated buildings, and other public improvements which involve significant parking lot improvements include, at a minimum, infrastructure readiness measures for future electric vehicle charging installation consistent with goals established in 5 M.R.S. §1830, and where feasible, publicly accessible electric vehicle charging infrastructure.
 - E. **Exceptions.** Emergency backup generation, where operationally necessary, is exempted from Section II, B and C. Other exemptions to requirements under Section II, B&C may only be granted by the Commissioner of DAFS in individual

cases where the operational needs of the occupant require non-electric HVAC or where the total cost of ownership over the lifetime of the building is higher under a non-fossil scenario. The Commissioner of DAFS, in individual cases where the operational needs of the occupant require it, may also grant an exemption for supplemental non-electric HVAC.

III. **Decarbonizing State-Owned Buildings**

- A. By December 31, 2024, BGS shall develop a plan to reduce greenhouse gas emissions by 50% from existing state owned buildings, while achieving at least a 25% energy use intensity reduction across the state owned building portfolio, based on a 2020 baseline, within 10 years of the effective date of this Executive Order.

IV. **Leased Space**

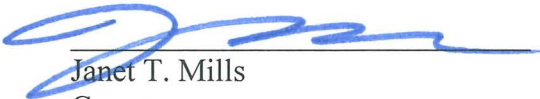
- A. **Training.** By December 31, 2024, BGS shall ensure that its Leased Space Division staff receive training on EPA ENERGY STAR Portfolio Manager.
- B. **New Leases in Existing Buildings.** Beginning January 1, 2025, for leases 10,000 square feet or larger, preference must be incorporated into scoring criteria for new leases that meet an EPA ENERGY STAR Portfolio Manager score of 75 or greater and have achieved third party certification.
- C. **Lease Renewals in Existing Locations.** By December 31, 2024, for lease renewals, or locations where EPA ENERGY STAR Portfolio Manager scores are ineligible or unavailable, DAFS shall develop lease provisions that require landlords to conduct energy audits and to implement cost effective and reasonable energy efficiency measures over the term of the lease, provided the services are available.
- D. **Energy Consumption Data.** By December 31, 2024, BGS shall develop lease provisions for the reporting of energy consumption data in compliance with the Governor's lead by example targets.

V. **Use of Mass Timber and Maine-Grown Materials**

- A. Within 6 six months of the issuance of this Order, BGS, in collaboration with other state agencies as appropriate, shall develop criteria and guidance for incorporating: (1) advanced wood products including but not limited to mass timber, cross laminated timber, wood cellulose fiber insulation, and related materials, and (2) Maine-sourced advanced wood products into designs for new building and substantial renovation projects when the use of such products is suitable to the facility and agency operational needs; and

- B. Within two years of the issuance of this Order, BGS shall identify two new construction or major renovation projects that are appropriate to utilize advanced wood products, and ensure that in-state subcontractors and suppliers are notified about bid or other procurement documents.

Date: 1/17/24


Janet T. Mills
Governor