

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

**Legislative Document**

**No. 701**

H. P. 618

House of Representatives, February 6, 1981

Submitted by the Office of Energy Resources pursuant to Joint Rule 24.

Referred to the Committee on Business Legislation. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Brannigan of Portland.

Cosponsors: Senator Clark of Cumberland, Representative Jackson of Yarmouth and Representative Norton of Biddeford.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

**AN ACT to Establish a Certification Program for Building Energy Auditors in  
Maine.**

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

Sec. 1. 5 MRSA § 5005, sub-§ 1, ¶ Q is enacted to read:

**Q. In cooperation with the Department of Business Regulation, establish a certification program for energy auditors.**

Sec. 2. 32 MRSA c. 89 is enacted to read:

**CHAPTER 89**

**CERTIFICATION PROGRAM FOR ENERGY AUDITORS**

**§ 8021. Legislative findings and intent**

The Legislature finds that certification of both residential and commercial building energy auditors would be beneficial for the health and safety of the public and would enable the consumer to have confidence in obtaining accurate and complete information from an energy audit. The purpose of this chapter is to establish a certification program for energy auditors of both residential and

commercial buildings in order to assure the competence necessary to bring about increased utilization of energy conservation techniques and the public health and safety thereof.

§ 8022. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Commercial building. A "commercial building" means:

A. Any building which is owned and operated by a person, firm, partnership or corporation employing less than 100 persons which is used primarily for the wholesale or retail sale of goods or services or manufacture of products; or

B. Any building used for residential purposes which has more than 4 dwelling units.

2. Energy auditor. "Energy auditor" means a person who is trained to prepare a report which delineates the energy consumption characteristics of a building, identified appropriate energy conservation operation and maintenance procedures and recommends appropriate energy conservation measures.

3. Energy conservation measure. "Energy conservation measure" means the installation of materials, equipment or both which are primarily designed to reduce energy consumption or allow the use of alternate energy.

4. Energy conservation operation and maintenance procedures. "Energy conservation operation and maintenance procedures" means modifications to the operation and maintenance of a building or any energy using system within that building which are designed to reduce the energy consumption within that building and which require no substantial expenditure of funds.

5. Residential building. A "residential building" means any building used for residential occupancy which:

A. Has a system for space heating and cooling; and

B. Contains at least one, but not more than 4, dwelling units.

§ 8023. Certification

Upon notice from the Office of Energy Resources, the Department of Business Regulation shall issue energy auditor's certificates to those individuals who meet the requirements listed in this Section. The Department of Business Regulation shall maintain all relevant records.

1. Examination. Successful completion of a written examination administered by the Office of Energy Resources encompassing energy auditing techniques. Separate examinations for residential and commercial building audits shall be administered.

2. **Experience.** Proof of completion of at least 5 energy audits, subject to an approval inspection by the Office of Energy Resources.

**§ 8024. Fees**

The Commissioner of Business Regulation may establish reasonable fees for the issuance of energy auditors' certificates. The fees shall be paid to the Treasurer of State to be used by the Department of Business Regulation for the purposes of this chapter.

**§ 8025. Revocation, suspension or nonrenewal of certification**

The Department of Business Regulation, in coordination with the Office of Energy Resources, shall investigate or cause to be investigated all complaints against certified energy auditors and all cases of violation of this chapter. The Office of Energy Resources may refuse to renew the certification or the Administrative Court may suspend or revoke the certification of an energy auditor who is found guilty of:

1. **Fraud.** The practice of any fraud or deceit in obtaining a certification pursuant to this chapter;
2. **Negligence.** Any gross negligence, incompetence or misconduct in performing an energy audit; or
3. **Violation.** Violation of any provision of this chapter.

**§ 8026. Penalty provisions**

Any person who falsely claims to the public to be a certified residential or commercial building energy auditor commits a civil violation for which a forfeiture of not more than \$500 may be adjudged.

**§ 8027. Renewals**

All certificates shall expire on December 31st of the 2nd year following issuance or such other times as the Commissioner of Business Regulation may designate.

The certificates may be renewed on a biennial basis without further examination upon the payment of the proper fee. The Department of Business Regulation shall notify everyone registered under this chapter of the date of expiration of his license and the amount of fee required for its renewal for a 2-year period. The notice shall be mailed to the person's last known address at least 30 days in advance of the expiration date of this license. Any person who fails to renew his license within a period of 90 days following the expiration date may be required to take an examination.

**STATEMENT OF FACT**

The field of energy auditing is rapidly growing. This is due to increased awareness of the benefits of energy audits, increasing energy costs and federal

policies designed to promote energy auditing. An energy audit can help consumers make energy saving decisions based on facts and figures, not just guesses. Some of these decisions involve considerable investment. Other decisions could present both health and safety risks if improperly made.

The program created by this bill addresses these concerns by providing some professional standards by which consumers will be able to select an energy auditor. The program establishes certification requirements for residential and nonresidential building energy auditors in anticipation of commercial and industrial needs.

Many energy auditors already working in Maine have expressed the desire for some type of state certification. Additionally, consumers have asked how they can be assured that an energy auditor is competent. This bill addresses both these needs.