

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TENTH LEGISLATURE
4

5 **Legislative Document**

No. 1893

6
7 H. P. 1916 House of Representatives, January 28, 1982
Filed by the Joint Standing Committee on Energy and Natural Resources and Public Utilities. Authorized by Legislative Council August 13, 1981.

Reported by Representative Hall for the Committee on Energy and Natural Resources and Public Utilities and 1,600 ordered printed under Joint Rules No. 18.

EDWIN H. PERT, Clerk

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9 **STATE OF MAINE**
10

11 **IN THE YEAR OF OUR LORD**
12 **NINETEEN HUNDRED AND EIGHTY-TWO**
13

14 **AN ACT to Establish Voluntary Certification for**
15 **Building Energy Auditors.**
16

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

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

19 Q. Establish a certification program for energy audi-
20 tors in accordance with Title 32, chapter 88.

21 **Sec. 2.** 32 MRSA c. 88 is enacted to read:

22 CHAPTER 88

23 VOLUNTARY CERTIFICATION PROGRAM
24 FOR ENERGY AUDITORS

1 §8021. Legislative findings and intent

2 The Legislature finds that certification of residential
3 and of commercial building energy auditors would be benefi-
4 cial to the health and safety of the public and would enable
5 consumers to have confidence in obtaining accurate and com-
6 plete information from an energy audit. The purpose of this
7 chapter is to establish a voluntary certification program
8 for energy auditors of residential and commercial buildings
9 in order to assure the competence necessary to bring about
10 increased utilization of energy conservation techniques.

11 §8022. Definitions

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

14 1. Commercial building. "Commercial building" means:

15 A. Any building which is owned and operated by a
16 person, firm, partnership or corporation employing
17 fewer than 100 persons, which is used primarily for the
18 wholesale or retail sale of goods or services or manu-
19 facture of products; or

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

22 2. Energy auditor. "Energy auditor" means a person
23 who is trained to prepare a report which delineates the
24 energy consumption characteristics of a building, identifies
25 appropriate energy conservation operations and maintenance
26 procedures and recommends appropriate energy conservation
27 measures.

28 3. Energy conservation measure. "Energy conservation
29 measure" means the installation of materials or equipment,
30 or both, which are primarily designed to reduce energy con-
31 sumption or allow the use of alternate energy sources.

32 4. Energy conservation operation and maintenance
33 procedures. "Energy conservation operation and maintenance
34 procedures" means modifications to the operation and mainte-
35 nance of a building or any energy using system within that
36 building, which are designed to reduce the energy consump-
37 tion within that building.

38 5. Residential building. "Residential building" means
39 a building used for residential occupancy which:

- 1 A. Has a system for space heating or cooling; and
2 B. Contains at least one, but not more than 4, dwell-
3 ing units.

4 §8023. Certification

5 The Office of Energy Resources shall issue energy audi-
6 tors' certificates to those individuals who meet the re-
7 quirements listed in this section. The Office of Energy
8 Resources shall maintain all relevant records.

9 1. Examination. Individuals must successfully com-
10 plete a written examination administered by the Office of
11 Energy Resources, or an examination which receives the
12 approval of the Office of Energy Resources, encompassing
13 energy auditing techniques. Separate examinations for resi-
14 dential and commercial building audits shall be administer-
15 ed.

16 2. Experience. Individuals must demonstrate proof of
17 completion of at least 5 energy audits, subject to an
18 approval inspection by the Office of Energy Resources.

19 §8024. Fees

20 The Director of the Office of Energy Resources may
21 establish reasonable fees for the issuance and renewal of
22 energy auditors' certificates, based on the cost of certifi-
23 cation. The fees shall be paid to the Treasurer of State to
24 be used by the Office of Energy Resources for the purposes
25 of this chapter.

26 §8025. Revocation, suspension or nonrenewal of certifica-
27 tion

28 The Office of Energy Resources shall investigate, or
29 cause to be investigated, all complaints against certified
30 energy auditors and all cases of violations of this chapter.
31 The Office of Energy Resources may refuse to renew the cer-
32 tification, or the Administrative Court may suspend or
33 revoke the certification, of an energy auditor who is found
34 guilty of:

35 1. Fraud. The practice of any fraud or deceit in
36 obtaining a certificate pursuant to this chapter;

37 2. Negligence. Any gross negligence, incompetence or
38 misconduct in performing an energy audit; or

1 3. Violation. Violation of any provision of this
2 chapter.

3 §8026. Penalty provisions

4 Any person who falsely claims to be a certified resi-
5 dential or commercial building energy auditor commits a
6 civil violation for which a forfeiture of not more than \$500
7 may be adjudged.

8 §8027. Renewals

9 All certificates shall expire on December 31st of the
10 2nd year following issuance or at such other times as the
11 Director of the Office of Energy Resources may designate.

12 The certificates may be renewed on a biennial basis
13 without further examination upon the payment of the proper
14 fee. The Office of Energy Resources shall notify each
15 person registered under this chapter of the date of expira-
16 tion of his license and the amount of fee required for the
17 license renewal for a 2-year period. The notice shall be
18 mailed to the person's last known address at least 30 days
19 prior to the expiration date of this license. Any person,
20 who fails to renew his license within a period of 90 days
21 following the expiration date, may be required by the Office
22 of Energy Resources to take an examination in order to be
23 relicensed.

24 Statement of Fact

25 The field of energy auditing is rapidly growing. This
26 is due to increased awareness of the benefits of energy
27 audits, increasing energy costs and federal policies
28 designed to promote energy auditing. An energy audit can
29 help consumers make energy saving decisions based on facts
30 and figures, not just guesses. Some of these decisions
31 involve considerable investment. Other decisions could
32 present both health and safety risks if improperly made.

33 The program created by this bill addresses these con-
34 cerns by providing some professional standards by which con-
35 sumers will be able to select an energy audit. The program
36 establishes certification requirements for residential and
37 nonresidential building energy auditors in anticipation of
38 commercial and industrial needs.

1 Energy auditors already working in Maine have expressed
2 the desire for some type of state certification. Addition-
3 ally, consumers have asked how they can be assured that an
4 energy auditor is competent. This bill addresses both these
5 needs.