

MAINE STATE LEGISLATURE

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L.D. 1496

(Filing No. S- 175)

STATE OF MAINE
SENATE
112TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " B " to S.P. 568, L.D. 1496, Bill, "AN ACT to Establish Mandatory Energy Standards for Publicly-funded Buildings."

Amend the bill by striking out everything after the enacting clause and inserting in its place the following:

'Sec. 1. 10 MRSA §1412, as enacted by PL 1979, c. 503, §2, is amended to read:

§1412. Legislative findings and purpose

The Legislature finds and declares that it is in the public interest to reduce the consumption of energy in buildings. The intent of this chapter is to reduce energy consumption by conservation. The Legislature finds that, in order to avoid duplication and confusion, state agencies adopting energy conservation standards shall coordinate their various regulations to the extent practicable.

Sec. 2. 10 MRSA §1413, sub-§15, as enacted by PL 1979, c. 503, §2, is amended to read:

15. Renovation. "Renovation" means the reconstruction, removal or replacement of any portion or element of an existing building which affects the heat loss or gain of the building, illumination of the building or the heating, ventilating or air conditioning system of the building where the total cost of the renovation exceeds 75% of the value of the building, but does not include normal maintenance and repair.

Sec. 3. 10 MRSA §1414-A is enacted to read:

COMMITTEE AMENDMENT "B " to S.P. 568, L.D. 1496

1 §1414-A. Adoption of energy performance building
2 standards by state agencies

3 Energy performance building standards adopted by
4 state agencies shall be coordinated with each other,
5 as far as practicable, so that similar activities and
6 buildings are treated in a similar way. The Director
7 of the Office of Energy Resources shall assist other
8 state agencies in developing energy standards which
9 comply with this section.

10 Sec. 4. 10 MRSA §1415-B is enacted to read:

11 §1415-B. Mandatory standards for publicly-funded
12 buildings

13 1. Conformance. Any new construction or sub-
14 stantial renovation of any building, excluding single
15 family and multi-family residential buildings, under-
16 taken after January 1, 1987, using any federal,
17 state, county or municipal funds or guarantees or
18 using bond proceeds of a governmental or
19 quasi-governmental agency shall conform to the stan-
20 dards established by the director under the authority
21 of section 1415-A, unless the new construction or
22 substantial renovation is already subject to compar-
23 able standards administered by a public agency.

24 2. Waiver. A waiver from subsection 1 may be
25 granted by the director on a case by case basis for
26 instances of substantial renovation. In regards to
27 the renovation of historic buildings, a waiver shall
28 be granted when the State Historic Preservation Offi-
29 cer determines that strict adherence to the energy
30 building standards would result in irreparable damage
31 to the historic character of a building on the Na-
32 tional Register of Historic Places, eligible for nom-
33 ination to the National Register or designated as a
34 historic building by a certified municipal historic
35 preservation ordinance. In other instances, such as
36 the rebuilding of a structure damaged by fire or a
37 historic preservation project where maintaining his-

COMMITTEE AMENDMENT " B " to S.P. 568, L.D. 1496

1 toric character is not an issue, the director may
2 grant the waiver when it can be show that the addi-
3 tional cost of meeting the energy building standards
4 makes the building renovation economically
5 infeasible.

6 3. Waiver decision. The director shall render a
7 decision on an application for a waiver from the
8 standards within 30 days of the receipt by the direc-
9 tor of a complete application for a waiver. In ren-
10 dering the decision, the director may place condi-
11 tions upon the granting of a waiver. Failure on the
12 part of the director to render a decision within the
13 30-day period shall constitute the approval of the
14 request for the waiver.

15 4. Notice of intent. Prior to the construction
16 or substantial renovation of a building subject to
17 this section, a notice of intent shall be filed with
18 the municipal building inspector, or the code en-
19 forcement officer if there is no municipal building
20 inspector, in the municipality within which the con-
21 struction or renovation will take place. The Office
22 of Energy Resources shall provide to the municipali-
23 ties the form to be filled out which shall include:

24 A. A signed statement that the building has been
25 designed and will be constructed or substantially
26 renovated in compliance with the established min-
27 imum energy efficiency building performance stan-
28 dards;

29 B. Information that establishes the location of
30 this construction or substantial renovation, the
31 intended use of the building, the names of the
32 owner, designer and contractor or builder and in-
33 formation that generally indicates insulation
34 values and construction methods or materials to
35 be used in ensuring that the minimum standards
36 will be met; and

37 C. Such other information as required by the di-

COMMITTEE AMENDMENT " B " to S.P. 568, L.D. 1496

1 rector pursuant to rules adopted under the Admin-
2 istrative Procedure Act, Title 5, chapter 375.

3 5. Fees. A notice of intent shall be accompa-
4 nied by a filing fee of \$5 per building. This fee
5 shall be made payable to the municipality within
6 which the building is located and is intended to be
7 used to defray the cost to the municipality of admin-
8 istering this chapter.

9 6. Notification to the Office of Energy Re-
10 sources. Within 30 days of the receipt of a signed
11 notice of intent, the municipal building inspector or
12 code enforcement officer shall forward to the Office
13 of Energy Resources a copy of the notice.

14 7. Inspections. The Office of Energy Resources
15 or its designee shall be responsible for the inspec-
16 tion of newly constructed or substantially renovated
17 buildings in order to ensure compliance with the min-
18 imum standards.

19 Sec. 5. 10 MRSA §1420, as enacted by PL 1979, c.
20 503, §2, is amended by adding at the end a new para-
21 graph to read:

22 After January 1, 1987, it is unlawful for any
23 person to construct or substantially renovate any
24 building in violation of section 1415-B. Any person
25 who violates this provision shall be subject to a
26 civil penalty not to exceed 5% of the value of the
27 construction or renovation payable to the State, to
28 be recovered in a civil action.'

29 STATEMENT OF FACT

30 The purpose of this amendment is to clarify the
31 original bill. The amendment requires new construc-
32 tion or substantial renovation of any building after
33 January 1, 1987, using public funds to comply with
34 the present voluntary building standards adopted by

COMMITTEE AMENDMENT "B" to S.P. 568, L.D. 1496

1 the Office of Energy Resources. It defines "substan-
2 tial renovation," and provides for administration of
3 the requirement, including waivers, notices, fees,
4 enforcement and penalties. Under this amendment,
5 state agencies will also be required to coordinate
6 energy performance building standards which they
7 adopt.

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Reported by the Minority of the Committee on Energy and
Natural Resources. Reproduced and Distributed Pursuant
to Senate Rule 12.

(5/30/85)

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