

# MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION  
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE  
4

5 Legislative Document

No. 1954

6  
7 H.P. 1385 House of Representatives, January 30, 1986  
8 Submitted by the Office of Energy Resources pursuant to Joint Rule 24.  
9 Reference to the Committee on Energy and Natural Resources suggested  
and ordered printed.

EDWIN H. PERT, Clerk

10 Presented by Representative Mitchell of Freeport.  
Cosponsored by Senator Usher of Cumberland, Representative Coles of  
Harpswell and Representative Michaud of Medway.

11  
12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-SIX  
16

17 AN ACT to Revise the Energy Building  
18 Standards Act.  
19

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

22 Sec. 1. 10 MRSA §1414, sub-§2, as enacted by PL  
23 1979, c. 503, §2, is amended to read:

24 2. Powers and duties. The advisory council shall  
25 approve all standards and regulations promulgated under  
26 this chapter prior to their adoption. The advisory  
27 council shall review all standards and regula-  
28 tions within 90 days from the date they are received  
29 by the council. The advisory council shall provide  
30 the reasons for the disapproval of any standard or  
31 regulation to the director in writing and any stan-  
32 dard or regulation not disapproved within 90 days  
33 shall be deemed to be approved. The advisory council  
34 shall advise the director in his the administration  
35 of this chapter and shall conduct an evaluation  
36 periodic evaluations of these provisions at the end

1 of 2 years following the effective date of this  
2 chapter. The advisory council shall report its find-  
3 ings and recommendations and any necessary legisla-  
4 tion to the Governor and Legislature.

5 Sec. 2. 10 MRSA §1414, sub-§3, as amended by PL  
6 1983, c. 812, §68, is further amended to read:

7 3. Meetings and compensation. The advisory coun-  
8 cil shall meet at least 4 2 times per year and each  
9 member shall be compensated as provided in Title 5,  
10 chapter 379.

11 Sec. 3. 10 MRSA §1415-A, sub-§1, as enacted by  
12 PL 1979, c. 676, §2, is amended to read:

13 1. Building standards. The director, in accord-  
14 ance with the Maine Administrative Procedure Act, Ti-  
15 tle 5, chapter 375, and with the approval of the ad-  
16 visory council, shall adopt energy performance build-  
17 ing standards for buildings and such rules as are  
18 necessary for the administration of this chapter. The  
19 standards shall be consistent with the provisions of  
20 the State of Maine Energy Conservation Building Stan-  
21 dards prepared by the commission and shall include  
22 envelope heat loss standards consistent with Chapter  
23 4 of the ASHRAE 90 Standards. Any building which is  
24 offered for sale or lease and is advertised or pro-  
25 moted as meeting the performance standards in this  
26 section or any other energy standard in conformance  
27 with this section shall meet these standards. Three  
28 levels of standards shall be developed: Conventional;  
29 energy-efficient; and super energy-efficient. The  
30 conventional standards shall be consistent with  
31 ASHRAE 90, A-1980, Standards and subsequent revi-  
32 sions. The energy - efficient and super energy - ef-  
33 cient standards shall exceed the conventional stan-  
34 dards. The 3 levels of standards shall include:

35 A. Lighting standards for all new and existing  
36 public buildings where appropriate;

37 B. Heating, ventilating and air-conditioning  
38 equipment performance standards;

39 C. Service water-heating equipment performance  
40 standards; and

1           D. Building envelope Prescriptive standards and  
2           performance based building heat loss standards.

3           Sec. 4. 10 MRSA §1415-A, sub-§5, as enacted PL  
4           1979, c. 676, §2, is repealed:

5           Sec. 5. 10 MRSA §1415-B, sub-§1, as enacted by  
6           PL 1985, c. 370, §4, is amended to read:

7           1. Conformance. Any new construction or sub-  
8           stantial renovation of any building, ~~excluding single~~  
9           ~~family residential buildings,~~ undertaken after Janu-  
10          ary 1, 1987, ~~using any federal, state, county or mu-~~  
11          ~~nicipal funds or guarantees or using bond proceeds of~~  
12          ~~a governmental or quasi-governmental agency~~ shall  
13          conform to the conventional standards established by  
14          the director under the authority of section 1415-A,  
15          unless the new construction or substantial renovation  
16          is already subject to comparable standards adminis-  
17          tered by a public agency.

18          Sec. 6. 10 MRSA §1415-B, sub-§2, as enacted by  
19          PL 1985, c. 370, §4, is repealed and the following  
20          enacted in its place:

21          2. Waiver. A waiver from subsection 1 may be  
22          granted by the director on a case by case basis under  
23          certain circumstances. A waiver must be obtained  
24          prior to the new construction or substantial  
25          renovation taking place.

26          A. In regards to the renovation of historic  
27          buildings, a waiver shall be granted when the  
28          State Historic Preservation Officer determines  
29          that strict adherence to the energy building  
30          standards will result in irreparable damage to  
31          the historic character of a building on the Na-  
32          tional Register of Historic Places, eligible for  
33          nomination to the National Register or designated  
34          as a historic building by a certified municipal  
35          historic preservation ordinance.

36          B. In instances of building renovation, such as  
37          the rebuilding of a structure damaged by fire or  
38          a historic preservation project where maintaining  
39          historic character is not an issue, the director  
40          may grant the waiver when it can be shown that

1 the additional cost of meeting the energy build-  
2 ing standards makes the building renovation eco-  
3 nomically infeasible.

4 C. A waiver may be granted when it can be shown  
5 that:

6 (1) The particular situation is unusual;

7 (2) A conscientious effort was made during  
8 the design phase of the project to adhere to  
9 the energy building standards; and

10 (3) The additional expense that will have  
11 to be incurred in order to meet the appro-  
12 priate energy building standards is not jus-  
13 tified.

14 Sec. 7. 10 MRSA §1415-B, sub-§8 is enacted to  
15 read:

16 8. Exemptions. The director may, with the ap-  
17 proval of the advisory council, adopt rules which ex-  
18 empt from the provisions of subsection 1 specific  
19 classes of buildings. The exemption of certain  
20 classes of buildings shall be based on the finding  
21 that the exemption does not conflict with the basic  
22 purpose of the law to reduce energy consumption  
23 through cost-effective conservation measures.

24 Sec. 8. 10 MRSA §1415-C is enacted to read:

25 §1415-C. Voluntary certification

26 1. Certificate of energy efficiency. The direc-  
27 tor shall issue the appropriate certificate of energy  
28 efficiency to the owner of each newly constructed or  
29 renovated building that has been determined to be  
30 in compliance with the energy-efficient or super  
31 energy-efficient standards under this chapter. The  
32 director shall issue a certificate of energy effi-  
33 ciency if a person has submitted a notice of intent  
34 and the person certifies that the building has been  
35 constructed according to the standards under this  
36 chapter.

1           2. Notice of intent. Prior to the construction  
2 or renovation of a building for which a certificate  
3 of energy efficiency is sought, a notice of intent  
4 must be filed with the director. Each person must  
5 submit with this notice:

6           A. A signed statement that the building has been  
7 designed to comply with the appropriate standards  
8 in this chapter; or

9           B. Plans and specifications in sufficient detail  
10 for the director to determine that the building  
11 meets the standards under this chapter.

12           3. Review of plans. Within 60 days of receipt,  
13 the director shall review all plans and specifica-  
14 tions submitted and determine whether they meet the  
15 standards under this chapter. The director may re-  
16 quire the submission and review of plans and specifi-  
17 cations from persons who have signed statements of  
18 compliance. Any person submitting plans shall be no-  
19 tified in writing within 60 days of the director's  
20 receipt of the plan.

21           4. Inspections. The owner of a building shall  
22 certify that the building has been constructed ac-  
23 ording to the standards under this chapter. The di-  
24 rector may provide for the inspection of any building  
25 subject to the provisions of this chapter.

26           5. Appeal of decision. In the event that a cer-  
27 tificate of energy efficiency is denied or is ap-  
28 proved with terms objectionable to the applicant, the  
29 applicant, within 30 days' receipt of the director's  
30 decision, may file a notice of appeal with the direc-  
31 tor. Within 5 working days of receipt of the notice  
32 of appeal, the director must schedule a public hear-  
33 ing to be held within 30 days and the applicant shall  
34 be notified in writing at least 7 days prior to the  
35 hearing.

36           Sec. 9. 10 MRSA §1416, as amended by PL 1979, c.  
37 636, §§3-5, is repealed.

1

STATEMENT OF FACT

2           This bill takes the existing voluntary energy -  
3 efficiency building standards and makes them minimum  
4 standards for all new building construction and sub-  
5 stantial renovation after January 1, 1987. The bill  
6 also creates 2 new levels of voluntary building stan-  
7 dards, energy-efficient and super energy-efficient,  
8 for which certificates of energy efficiency may be  
9 issued. The bill includes the opportunity to exempt  
10 through regulation classes of buildings from the min-  
11 imum standards and makes procedural changes in the  
12 administration of the voluntary certification pro-  
13 gram.

14           Maine households have the highest energy costs to  
15 income ratios in the nation. Millions of dollars are  
16 siphoned out of the state economy every year to heat  
17 buildings that are not energy efficient. The average  
18 Maine households could save as much as \$600 per year  
19 if the homes were built to the minimum energy build-  
20 ing standards. The additional cost of construction  
21 would have a payback of less than 3 years. Over  
22 \$50,000,000 would be saved by Maine consumers by the  
23 year 2000.

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