

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 247

S.P. 93

In Senate, February 5, 1987

Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate  
Presented by Senator KERRY of York.

Cosponsored by Senator TUTTLE of York, Representative  
JACQUES of Waterville, Representative HOGLUND of Portland.

STATE OF MAINE

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

AN ACT to Revise the Energy Building  
Standards Act.

1  
2  
3

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

6 Sec. 1. 10 MRSA §1414, sub-§2, as enacted by PL  
7 1979, c. 503, §2, is amended to read:

8 2. Powers and duties. The advisory council shall  
9 approve all standards and regulations promulgated under  
10 this chapter prior to their adoption. The advisory  
11 council shall review all standards and regulations  
12 within 90 days from the date they are received  
13 by the council. The advisory council shall provide  
14 the reasons for the disapproval of any standard or  
15 regulation to the director in writing and any stan-

1 dard or regulation not disapproved within 90 days  
2 shall be deemed to be approved. The advisory council  
3 shall advise the director in his the administration  
4 of this chapter and shall conduct an evaluation  
5 periodic evaluations of these provisions at the end  
6 of 2 years following the effective date of this  
7 chapter. The advisory council shall report its find-  
8 ings and recommendations and any necessary legisla-  
9 tion to the Governor and Legislature.

10 Sec. 2. 10 MRSA §1414, sub-§3, as amended by PL  
11 1983, c. 812, §68, is further amended to read:

12 3. Meetings and compensation. The advisory coun-  
13 cil shall meet at least 4 2 times per year and each  
14 member shall be compensated as provided in Title 5,  
15 chapter 379.

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

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

40 A. Lighting standards for all new and existing  
41 public buildings where appropriate;

1 B. Heating, ventilating and air-conditioning  
2 equipment performance standards;

3 C. Service water-heating equipment performance  
4 standards; and

5 D. Building envelope Prescriptive standards and  
6 performance based building heat loss standards.

7 Sec. 4. 10 MRSA §1415-A, sub-§5, as enacted PI  
8 1979, c. 676, §2, is repealed.

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

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

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

25 2. Waiver. A waiver from subsection 1 may be  
26 granted by the director on a case-by-case basis under  
27 certain circumstances. A waiver must be obtained  
28 prior to the new construction or substantial  
29 renovation taking place.

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

1 B. In instances of building renovations, such as  
2 the rebuilding of a structure damaged by fire or  
3 a historic preservation project when maintaining  
4 historic character is not an issue, the director  
5 may grant the waiver when it can be shown that  
6 the additional cost of meeting the energy build-  
7 ing standards makes the building renovation eco-  
8 nomically infeasible.

9 C. A waiver may be granted when it can be shown  
10 that:

11 (1) The particular situation is unusual;

12 (2) A conscientious effort was made during  
13 the design phase of the project to adhere to  
14 the energy building standards; and

15 (3) The additional expense that will have  
16 to be incurred in order to meet the appro-  
17 priate energy building standards is not jus-  
18 tified.

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

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

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

30 §1415-C. Voluntary certification

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

1 and the person certifies that the building has been  
2 constructed according to the standards under this  
3 chapter.

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

9 A. A signed statement that the building has been  
10 designed to comply with the appropriate standards  
11 in this chapter; or

12 B. Plans and specifications in sufficient detail  
13 for the director to determine that the building  
14 meets the standards under this chapter.

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

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

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

39 Sec. 9. 10 MRSA §1416, as amended by PL 1979, c.  
40 636, §§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. Average  
18 Maine households could save as much as \$600 each 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.

24

0837010687