## MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

### FIRST REGULAR SESSION - 1989

#### Legislative Document

No. 527

H.P. 396

House of Representatives, March 1, 1989

Submitted by the Office of Energy Resources pursuant to Joint Rule 24. Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative DEXTER of Kingfield.
Cosponsored by Senator KANY of Kennebec, Senator LUDWIG of Aroostook and Representative MICHAUD of East Millinocket.

#### STATE OF MAINE

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

An Act to Amend and Unify the Residential Energy Efficiency Building Standards.



3	Sec. 1. 10 MRSA §1413, sub-§1, as enacted by PL 1979, c. 503, §2, is amended to read:
5	32, 13 Michael to Tead.
7	1. ASHRAE 90. "ASHRAE 90" means the <u>current</u> standard for energy conservation in new building design developed and approved by the American Society of Heating, Refrigeration and Air
9	Conditioning Engineers.
11	<pre>Sec. 2. 10 MRSA §1413, sub-§11, as enacted by PL 1979, c. 503, §2, is amended to read:</pre>
13	11 Manual of lametal Durations (Manual of Lamanta)
15	11. Manual of Accepted Practices. "Manual of Accepted Practices" means the Manual of Accepted Practices prepared by the Office of Energy Resources in conformance with the State-ef-Maine
17	EnergyConservation-Building-Standards mandatory standards for residential construction as defined in section 1415-C.
19	Sec. 3. 10 MRSA §1415-A, as amended by PL 1985, c. 481, Pt.
21	A, §19, is repealed.
23	Sec. 4. 10 MRSA §1415-B, as enacted by PL 1985, c. 370, §4, is repealed.
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27	Sec. 5. 10 MRSA §1415-C, sub-§1, ¶D, as enacted by PL 1987, c. 818, §4, is amended to read:
29	D. Slab-on-grade floors must have perimeter insulation of either:
31	(1) P 10 1 - 12 1 - 14 1 - 14 1 - 15 1 - 15 1 - 16 1 - 11 1
33	(1) R-10 when the insulation extends downward from the top of the slab to the design frost line; or
35	(2) $R-20$ $R-10$ when the insulation extends around the
37	perimeter itself and horizontally beneath the slab for a distance equivalent to the depth of the frost line.
39	Sec. 6. 10 MRSA §1415-C, sub-§§3 to 6 are enacted to read:
41	3. Multifamily structures. Effective January 1, 1990, in addition to conforming to the requirements of section 1415-C, any
43	new construction or renovation of a conditioned space in a
45	residential building of more than 2 dwelling units shall conform to the ASHRAE 90 standards under any of the compliance methods
47	specified in the standards. For the purposes of this section, conformance to the ASHRAE 90 standards shall consist of those
	standards, which are not in conflict with section 1415-C,
49	established for the building envelope, heating, ventilating and
51	air-conditioning systems and equipment, service water heating and
ŊΙ	lighting power limits and controls.

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

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- 1 4. Waiver. A waiver from subsection 3 may be granted by the director on a case-by-case basis for instances of renovation 3 as defined by section 1413, subsection 15. In regards to the renovation of historic buildings, a waiver shall be granted when 5 the Executive Director of the State Historic Preservation Commission determines that adherence to the energy building 7 standards would result in irreparable damage to the historic character of a building on the National Register of Historic 9 Places, eligible for nomination to the national register or designated as a historic building by a certified municipal historic preservation ordinance. In other instances, such as the 11 rebuilding of a structure damaged by fire or a historic 13 preservation project when maintaining historic character is not an issue, the director may grant a waiver when it can be shown that the additional cost of meeting the energy building standards 15 would make the building renovation economically infeasible.
- 5. Waiver decision. The director shall render a decision on an application for a waiver from the standards within 30 days of the receipt by the director of a complete application for a waiver. In rendering a decision, the director may place conditions upon the granting of a waiver. Failure on the part of the director to render a decision within the 30-day period shall constitute approval of the request for the waiver.
- 5. Waiver application. A request for a waiver under subsection 4 shall be submitted to the Office of Energy Resources in writing and shall contain the location of the renovation, the intended use of the building and the names of the owner, designer and contractor or builder. If applying for a waiver under the historic preservation provisions of subsection 4, information on the historic character of the building shall be provided to the director. If applying for a waiver under the economic hardship provisions of subsection 4, information on the economic infeasibility shall be provided to the director.

#### Sec. 7. 10 MRSA §1415-F is enacted to read:

#### \$1415-F. Manual of Accepted Practices

- The director shall prepare a Manual of Accepted Practices, which shall consist of building procedures and building materials to enable builders of one-family and 2-family structures to conform to the residential standards in section 1415-C.
- Sec. 8. 10 MRSA  $\S1416$ , as amended by PL 1979, c. 636,  $\S\S3$  to 5, is repealed.
- Sec. 9. 10 MRSA §1418, as amended by PL 1979, c. 676, §7, is repealed.

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1	Sec. 10. 10 MRSA §1420, sub-§§1 and 2, as repealed and replaced by PL 1987, c. 818, §5, are repealed.
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5	STATEMENT OF FACT
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9	This bill amends the Maine Revised Statutes, Title 10, chapter 214, Energy Efficiency Building Performance Standards, by conforming it to the mandatory building standards enacted under
11	Public Law 1987, chapter 818 and by repealing the now unnecessary voluntary standards and the separate mandatory publicly funded
13	standards. It also establishes a standard for all residential buildings of more than 2 dwelling units which is similar to the
15	standard now used for publicly funded multiple unit residences.
17 19	Section 1 amends the definition of "ASHRAE 90" to provide that changes to the ASHRAE 90 standard do not have to be readopted each time the standards are revised.
19	readopted each time the standards are revised.
21	Section 2 amends the definition of "Manual of Accepted Practices" to conform its content to the new mandatory standards
23	for residential construction.
25	Section 3 repeals the standards that were adopted by the Maine Office of Energy Resources and used for voluntary
27 29	compliance and as the mandatory standards for publicly funded buildings.
29	Section 4 repeals the separate requirements for publicly
31	funded buildings.
33	Section 5 changes the insulation requirements for slab-on-grade floors from $R-20$ to $R-10$ . This corrects an error
35	when the mandatory standards were passed last year.
37	Section 6 adds a new section in the mandatory standards for residential construction. It includes the ASHRAE 90 standards
39	for constructing residences of more than 2 dwelling units. These ASHRAE 90 provisions presently apply to publicly-funded
41	construction and would be lost upon their repeal in section 3.
43	Section 6 adopts from the publicly funded standards law the procedure for granting a waiver for renovations.
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47	Section 7 reenacts the otherwise repealed requirement that the Office of Energy Resources prepare a Manual of Accepted Practices for one-family and 2-family residential construction.
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51	Sections 8 and 9 repeal the procedures previously established for compliance with the voluntary certification program.