

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 707

H.P. 513

House of Representatives, February 20, 1991

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

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative MITCHELL of Freeport.

Cosponsored by Representative ADAMS of Portland, Representative HEESCHEN of Wilton and Representative WENTWORTH of Arundel.

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STATE OF MAINE

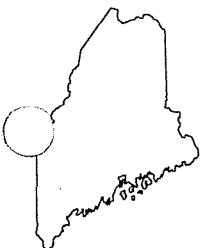
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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

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An Act to Promote Plumbing Efficiency.

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

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4       Sec. 1. 30-A MRSA §4201, sub-§§1-A, 1-B, 2-A and 3-A are enacted  
to read:

6       1-A. Commercial building. "Commercial building" means any  
type of building other than residential.

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10       1-B. Construction. "Construction" means the erection of a  
new building or the alteration of an existing building in  
12       connection with its repair or renovation or in connection with  
making an addition to an existing building and includes the  
14       replacement of a malfunctioning, unserviceable or obsolete  
faucet, showerhead, toilet or urinal in an existing building.

16       2-A. Initiate construction. "Initiate construction" means  
to enter into a contract to undertake construction.

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20       3-A. Residential. "Residential" means any building or unit  
of a building intended for occupancy as a dwelling but does not  
include a hotel or motel.

22       Sec. 2. 30-A MRSA c. 185, sub-c. III, art. 4 is enacted to read:

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26                               **Article 4**  
                                  **PLUMBING EFFICIENCY STANDARDS**

28       **§4231. Requirements for toilets, shower heads and faucets**

30       After the applicable dates set forth in section 4232, a  
32       person may not initiate construction of a building that has or  
will have:

34       1. Toilet. A gravity tank-type, flushometer-valve or  
36       flushometer-tank toilet that uses more than an average of 1.6  
gallons of water per flush. This subsection does not apply to  
38       one-piece toilets before July 1, 1993;

40       2. Shower head. A shower head that allows a flow of more  
than an average of 2.5 gallons of water per minute at 60 pounds  
42       per square inch of pressure;

44       3. Urinal. A urinal that uses more than an average of 1.0  
gallon of water per flush;

46       4. Lavatory faucet. A lavatory faucet or lavatory  
48       replacement aerator that allows a flow of more than 2.0 gallons  
of water per minute;

2           5. Kitchen faucet or replacement aerator. A kitchen faucet  
4           or kitchen faucet replacement aerator that allows a flow of more  
            than 2.5 gallons of water per minute; or

6           6. Restroom faucet. A faucet in a restroom open to the  
8           public that is not equipped with self-closing faucets or  
            self-closing metering valves that limit the flow to .25 gallon  
10           per cycle.

12           §4232. Applicable dates

14           The applicable dates for compliance with section 4222 are as  
            follows:

16           1. Residential construction. Residential construction  
18           initiated after July 1, 1992;

20           2. Commercial construction. Commercial construction  
            initiated after July 1, 1993; and

22           3. Renovation and repair. Any residential construction  
24           initiated after July 1, 1992 and any commercial construction  
            initiated after July 1, 1993 that involves the repair or  
26           renovation of, or addition to, any existing building that  
            includes the replacement of toilets or showers or both.

28           §4233. Variances

30           The department shall adopt rules to exempt construction from  
32           the requirements of sections 4231 and 4232 for new construction  
            and the repair or renovation of an existing building under the  
34           following conditions:

36           1. Repair that does not involve plumbing. When the repair  
            or renovation of the existing building does not include the  
38           replacement of the plumbing or sewage system servicing toilets,  
            faucets or shower heads within that existing building;

40           2. Noncompatible plumbing systems. When the plumbing or  
42           sewage system within an existing building, because of its  
            capacity, design or installation, would not function properly  
44           unless the toilets, faucets or shower heads prohibited by this  
            article were installed;

46           3. Private well or spring fed systems. When the system is  
48           a well or gravity flow from a spring and is owned privately by an  
            individual for use in that individual's personal residence; or

50           4. Special purpose fixtures. When units to be installed  
            are:

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A. Specifically designed for use by the handicapped;

B. Specifically designed to withstand unusual abuse or installation in a penal institution; or

C. Toilets for juveniles.

§4234. Violation

Any person who violates this article must be penalized in accordance with section 4452. The municipality or the department may seek to enjoin violations of this article.

§4235. Grant programs

Before July 1, 1992 a municipality must adopt and enforce the provisions of this article to be eligible to receive any of the following grants, loans or permits:

1. Pollution abatement program funds. Pollution abatement program funds disbursed under Title 38, section 411.

2. Residential overboard discharge replacement projects. Residential overboard discharge replacement projects authorized under Title 38, section 411-A; and

3. Pollution abatement program planning grants. Pollution abatement program planning grants authorized under Title 38, section 412.

§4236. Performance requirements

The equipment required under this article must be tested according to the applicable requirements of the American Society of Mechanical Engineers and the American National Standards Institute.

Sec. 3. 30-A MRSA §4452, sub-§5, ¶L, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is amended to read:

L. Local ordinances regarding regulation and inspection of plumbing and plumbing efficiency standards pursuant to chapter 185, subchapter III;

Sec. 4. 35-A MRSA §6105, sub-§4, ¶E, as amended by PL 1989, c. 59, §2, is further amended to read:

E. To provide for a contingency reserve fund allowance by providing rates to reflect up to a 5% addition to yearly revenues over what is required to operate the water utility.

2 If this allowance results in an excessive surplus, rates may  
4 be set which use the excess to offset future revenue  
6 requirements. The commission shall adopt rules which define  
8 excessive surplus resulting from the allowance, set forth  
10 uses of funds in that portion of the surplus which is not  
excessive, including the retirement of debt when economic,  
and provide that funds in the surplus which are excessive be  
returned to customers in the form of temporary rate  
adjustments, credits or reduction in rates; and

12 **Sec. 5. 35-A MRSA §6105, sub-§4, ¶F,** as enacted by PL 1989, c.  
14 59, §3, is amended to read:

16 F. To provide for rate adjustments to reflect the cost of  
18 anticipated construction of plants or facilities required by  
the 1986 amendments to the United States Safe Drinking Water  
Act, Public Law 93-523, or related projects, provided that  
20 rates established under this paragraph shall ~~shall~~ may not be  
subject to section 6104.; and

22 **Sec. 6. 35-A MRSA §6105, sub-§4, ¶G** is enacted to read:

24 G. To fund water conservation and education efforts  
26 undertaken by the utility pursuant to section 6111.

28 **Sec. 7. 35-A MRSA §6111** is enacted to read:

30 **§6111. Water conservation and education**

32 Water utilities shall undertake a consumer-oriented water  
34 conservation and education program that at a minimum consists of  
the following components.

36 1. Water conservation kits. Water utilities shall develop  
38 and offer to their consumers residential water conservation  
40 kits. These kits may include low-flow shower heads, tank dams  
42 and other devices for reducing water consumption in toilets,  
44 faucet aerators, dye tablets for leak detection in toilets and  
installation instructions. Fixtures included in the kits must be  
offered to consumers at cost. However, the utility may include  
advertising and management costs of the program in the price of  
the kits. Consumers must be advised of the availability of these  
kits on an annual basis.

46 2. Education efforts. Water utilities annually shall  
48 include with their water bills a brochure that discusses the  
hazards of disposal of inappropriate wastes in toilets. The  
Department of Human Services shall cooperate in the development  
50 of any brochure.

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## STATEMENT OF FACT

This bill enacts plumbing efficiency standards for new plumbing fixtures installed as part of new construction or renovation to help conserve water supplies and energy. Basic standards for toilets, shower heads and faucets are proposed. These standards promote greater efficiency in residential and commercial water use and preserve the natural resources of this State. Efficient plumbing fixtures reduce consumer water and energy costs by reducing indoor water use, reducing the need for new water supplies and treatment facilities, lowering operation and maintenance costs for water and sewer utilities and reducing the amount of energy used to heat, treat and transport water. Residential construction must be in compliance with these standards by July 1, 1992; commercial construction, by July 1, 1993.

Exemptions are allowed for repairs that do not involve plumbing, noncompatible plumbing systems, residential buildings on private wells and for special-purpose plumbing fixtures. Municipalities must enforce these provisions to be eligible for pollution abatement grants.

In addition, this bill proposes to require water utilities to undertake water conservation and education programs, to make conservation fixtures available to their consumers and to educate their users on the hazards of disposing of inappropriate wastes in their toilets.