

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 561, L.D. 804, Bill, "An Act to Improve Energy Efficiency in Buildings"

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

'Sec. 1. 5 MRSA §1762-A is enacted to read:

§1762-A. Water conservation in state facilities

After January 1, 1992, unless otherwise required by law, or for reasons of health or safety, the Bureau of Public Improvements and the following departments and agencies may not purchase or install any faucet, shower head, toilet or urinal that is not a low-flow faucet, a low-flow shower head, a water-saving toilet or a water-saving urinal:

1. Bureau of Purchases. The Bureau of Purchases under chapter 155:

2. University of Maine System. The University of Maine System under Title 20-A, chapter 411:

3. Maine Technical College System. The Maine Technical College System under Title 20-A, chapter 431; and

4. Maine State Housing Authority. The Maine State Housing Authority under Title 30-A, chapter 201.

By January 1, 1992, the Bureau of Public Improvements shall adopt

2 rules defining a "low-flow faucet," a "low-flow shower head," a
4 "water-saving toilet" and a "water-saving urinal" that minimize
6 water use to the maximum extent economically and technologically
8 feasible.

6 Sec. 2. 5 MRSA §1768 is enacted to read:

8 §1768. Shared savings program; state agencies

10 The Bureau of Public Improvements shall develop an energy
12 efficiency incentive program in which an eligible department or
14 agency of the State may retain a portion of any first-year energy
16 cost savings demonstrably attributable to energy efficiency
18 improvements undertaken by that department or agency. A
20 condition of the program is that the portion of energy cost
22 savings not retained by the department or agency must be credited
24 to the General Fund. The bureau shall submit the proposed
26 program to the joint standing committee of the Legislature having
28 jurisdiction over state and local government matters by January
30 1, 1992.

22 Sec. 3. 5 MRSA §1812-E is enacted to read:

24 §1812-E. Water conservation devices; purchase and installation

26 The purchase and installation of faucets, shower heads,
28 toilets and urinals is subject to section 1762-A.

30 Sec. 4. 5 MRSA §13084, sub-§5, as enacted by PL 1989, c. 875,
Pt. M, §§7 and 13, is amended to read:

32 5. Review and inspection. The director shall provide for
34 the review of plans and specifications and the inspection of
36 may inspect buildings to determine compliance with the energy
38 conservation standards, as described established in Title 10,
40 chapter 214.

38 Sec. 5. 10 MRSA §1413, sub-§16, as repealed and replaced by PL
40 1987, c. 818, §3, is amended to read:

42 16. Residential building. "Residential building" means a
44 single-family or multifamily structure designed for year-round or
46 winter seasonal use and additions to those buildings. This
48 Notwithstanding section 9042, subsection 3, this term includes
50 modular homes as defined in Title 30, section 4965 30-A, section
4358 that are installed in the State.

48 Sec. 6. 10 MRSA §1415-C, as amended by PL 1989, c. 75, §§5
50 and 6, is further amended by adding at the beginning a new
paragraph to read:

2 Except as provided in this section, any new conditioned
4 space in a residential building constructed after January 1, 1989
must conform to the minimum prescriptive or performance standards
established in this section.

6 Sec. 7. 10 MRSA §1415-C, sub-§1, as amended by PL 1989, c. 75,
8 §5, is further amended to read:

10 1. ~~Prescriptive standard. Any new conditioned space in a~~
~~residential building built after January 1, 1989 shall be~~
12 ~~constructed to meet, at the minimum, the~~ The following
~~prescriptive ceiling, wall, floor, foundation and window thermal~~
14 ~~performance characteristics set out in this subsection~~ standards
are established.

16 A. Ceilings which that face outdoor or unheated space must
18 be insulated to R-38.

20 B. Walls which that face outdoor or unheated space must be
insulated to R-19.

22 C. Floors over unheated spaces must be insulated to R-19.

24 D. Slab-on-grade floors must have perimeter insulation of
26 either:

28 (1) R-10 when the insulation extends downward from the
top of the slab to the design frost line; or

30 (2) R-10 when the insulation extends around the
32 perimeter itself and horizontally or diagonally beneath
or away from the slab for a distance equivalent to the
34 depth of the frost line.

36 E. Foundation walls below grade enclosing heated spaces
must be insulated from the top of the foundation to the
38 frost line to R-10.

40 F. All windows must ~~be insulated to~~ have a minimum unit
R-value of R-2.

42 Sec. 8. 10 MRSA §1415-C, sub-§1-A is enacted to read:

44 1-A. Performance standards. By January 1, 1992, the
Director of the Energy Conservation Divison shall adopt rules
46 establishing a performance-based compliance procedure for
residential buildings. The Director of the Energy Conservation
48 Division may not adopt a performance-based compliance procedure
that imposes overall thermal performance requirements more
50 stringent than those that would apply if the building were
constructed in conformance with subsection 1.

52

2 Sec. 9. 10 MRSA §1415-C, sub-§3, as enacted by PL 1989, c. 75,
§6, is amended to read:

4 3. Multifamily structures. Effective January 1, 1990, in
6 addition to conforming to the requirements of this section, any
new construction or renovation of a conditioned space in a
8 residential building of more than 2 dwelling units shall must
conform to the ASHRAE 90 standards ~~under any of the compliance~~
10 ~~methods specified in the standards~~ , provided that those
standards do not conflict with this section. ~~For the purposes of~~
12 ~~this section, conformance to the ASHRAE 90 standards shall~~
~~consist of those standards, which are not in conflict with this~~
14 ~~section, established for the building envelope, heating,~~
~~ventilating and air conditioning systems and equipment, service~~
16 ~~water heating and lighting power limits and controls.~~

18 Sec. 10. 20-A MRSA §12706, sub-§13, as amended by PL 1989, c.
761, is further amended to read:

20 13. Property management. To acquire by purchase, gift,
22 lease or rent any property, lands, buildings, structures,
facilities or equipment necessary to fulfill the purposes of this
24 chapter. The board of trustees shall manage, rent, lease, sell
and dispose of property, including lands, buildings, structures,
26 equipment and facilities. The purchase and installation of
faucets, shower heads, toilets and urinals is subject to Title 5,
section 1762-A. If the board of trustees proposes to sell or
28 permanently transfer any interest in real estate, the transaction
must be approved by the Legislature before the interest is
30 transferred. Any revenues derived from these uses are to be
credited to a separate fund to be used for the purposes of this
32 chapter;

34 Sec. 11. 30-A MRSA §4704-A is enacted to read:

36 §4704-A. Water conservation devices

38 Notwithstanding section 4704, the purchase and installation
of any faucet, shower head, toilet or urinal in a residential
40 building funded by the authority is subject to Title 5, section
1762-A.

44 FISCAL NOTE

46 This bill requires the Bureau of Public Improvements to
adopt rules relating to water conservation fixtures and to
48 develop an energy incentive program for State Government. The
costs associated with rulemaking and program development can be
50 absorbed within existing resources of the Department of
Administration. The future energy costs savings from these
52 actions can not be estimated at this time.

2 The Department of Economic and Community Development, Energy
 4 Conservation Division, is required to adopt rules establishing a
 6 compliance procedure for residential buildings. These
 rule-making costs can be absorbed within existing resources of
 the Department of Economic and Community Development.'

8
 10 **STATEMENT OF FACT**

12 This amendment replaces the bill. The amendment prohibits,
 14 after January 1, 1992, the Bureau of Public Improvements, the
 Bureau of Purchases, the University of Maine System, the Maine
 Technical College System and the Maine State Housing Authority
 16 from purchasing or installing any faucet, shower head, toilet or
 18 urinal that is not a "low-flow" or "water-saving" model. The
 Bureau of Public Improvements is required to define "low-flow"
 and "water-saving" by rule by January 1, 1992.

20 The amendment also requires the Bureau of Public
 22 Improvements to develop an energy efficiency incentive program
 for state facilities that allows a department or agency of State
 Government to retain a portion of the first-year energy costs
 24 saved by energy efficiency improvements undertaken by the
 department or agency. That portion of the savings not retained
 26 by the department or agency would be returned to the General
 Fund. The bureau must submit its proposed program to the
 28 Legislature by January 1, 1992.

30 The amendment also requires the Director of the Energy
 32 Conservation Division to establish an alternative procedure for
 complying with the residential energy standards that is based on
 34 an assessment of a building's overall thermal performance, rather
 than on prescriptive standards. The director must adopt such a
 "performance-based" compliance procedure by rule by January 1,
 36 1992.

38 The amendment also makes several technical and clarifying
 40 changes to the residential energy standards, including clarifying
 the authority of the Director of the Energy Conservation Division
 to inspect buildings for compliance with the standards,
 42 restructuring the section pertaining to the energy standards to
 read more clearly and making several grammatical and technical
 44 corrections. The amendment clarifies that modular homes are
 included in the residential energy standards by correcting a
 46 drafting error enacted in P.L. 1987, c. 818. A cross-reference
 to modular homes outdated by the recodification of the Maine
 48 Revised Statutes, Title 30 is also corrected. The provision
 relating to modular homes is amended to limit the standards to
 50 modular homes installed in the State.