

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2005

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Legislative Document

No. 1685

H.P. 1191

House of Representatives, June 1, 2005

### An Act Regarding Energy Codes

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Reported by Representative BLISS of South Portland for the Joint Standing Committee on Utilities and Energy pursuant to the Maine Revised Statutes, Title 5, section 3327, subsection 4.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

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

2           **Sec. 1. 10 MRSA §1413, sub-§4**, as enacted by PL 1979, c. 503,  
4 §2, is amended to read:

6           **4. Commission.** "Commission" means the ~~Commission on Energy~~  
7 ~~Efficiency--Building--Performance--Standards~~ Public Utilities  
8 Commission.

10           **Sec. 2. 10 MRSA §1413, sub-§7**, as amended by PL 1989, c. 501,  
11 Pt. DD, §21, is repealed.

12           **Sec. 3. 10 MRSA §1413, sub-§12**, as amended by PL 1987, c. 818,  
14 §2, is further amended to read:

16           **12. Commercial building.** "Commercial ~~or--institutional~~  
17 ~~building~~" means any building and any addition to an existing  
18 building ~~which that~~ is not a residential or industrial building  
19 ~~as-defined-herein~~.

20           **Sec. 4. 10 MRSA §1413, sub-§16**, as amended by PL 1991, c.  
22 246, §5, is further amended to read:

24           **16. Residential building.** "Residential building" means a  
25 ~~detached one-family or 2-family dwelling; a dwelling in a group~~  
26 ~~of single-family or multifamily structure designed for year-round~~  
27 ~~or--winter--seasonal--use--and--additions--to--those--buildings.~~  
28 ~~Notwithstanding section 9042, subsection 3, this term includes~~  
29 ~~modular homes as defined in Title 30-A, section 4358 that are~~  
30 ~~installed in the State dwellings that is not more than 3 stories~~  
31 ~~in height and with a separate means of egress; a group of more~~  
32 ~~than 2 dwelling units that are 3 stories or fewer in height and~~  
33 ~~whose occupants are primarily permanent; a building 3 stories or~~  
34 ~~fewer in height that is arranged for occupancy as a residential~~  
35 ~~care or assisted living facility for more than 5 but not more~~  
36 ~~than 16 occupants; and an accessory structure to any of these~~  
37 ~~buildings.~~

38           This definition is intended to be the same as the definition of  
39 "residential building" in the model building energy code adopted  
40 by the commission by major substantive rule pursuant to Title  
41 35-A, section 121.

44           **Sec. 5. 10 MRSA §1414-A**, as amended by PL 1989, c. 501, Pt.  
45 DD, §23, is further amended to read:

46           **§1414-A. Adoption of energy performance building**  
47 **standards by state agencies**

2 Energy performance building standards adopted by state  
3 agencies shall must be coordinated with ~~each other~~ one another,  
4 as far as practicable, so that similar activities and buildings  
5 are treated in a similar way. The ~~Commissioner of Economic and~~  
6 ~~Community Development~~ commission shall assist other state  
7 agencies in developing energy standards ~~which~~ that comply with  
8 this section.

9  
10 **Sec. 6. 10 MRSA §1415-C, first ¶**, as amended by PL 2003, c.  
11 151, §3, is repealed.

12 **Sec. 7. 10 MRSA §1415-C, sub-§3**, as amended by PL 2003, c.  
13 645, §4, is further amended to read:

14  
15 **3. Multifamily structures.** Effective January 1, ~~2004~~ 2006,  
16 ~~in addition to conforming to the requirements of this section,~~  
17 any new construction or renovation of a conditioned space in any  
18 residential building of more than 2 dwelling units must conform  
19 to ~~ASHRAE Standard 62-2001 and ASHRAE Standard 90.1-2001.~~ For  
20 ~~the purposes of this subsection, compliance with the 2003 edition~~  
21 ~~of the International Energy Conservation Code published by the~~  
22 ~~International Code Council constitutes compliance with ASHRAE~~  
23 ~~Standard 90.1-2001.~~

24  
25 A. Chapter 11 of the International Residential Code for  
26 One- and Two-Family Dwellings adopted by the International  
27 Code Council in 2003 or the 2003 edition of the  
28 International Energy Conservation Code published by the  
29 International Code Council; and

30  
31 B. The standards adopted by ASHRAE in 2003 for ventilation  
32 practices in residential low-rise building construction  
33 entitled "Ventilation and Acceptable Indoor Air Quality in  
34 Low-Rise Residential Buildings," commonly referred to as  
35 ASHRAE 62.2-2003.

36  
37 **Sec. 8. 10 MRSA §1415-C, sub-§§4 and 5**, as amended by PL 1991,  
38 c. 824, Pt. A, §14, are further amended to read:

39  
40 **4. Waiver.** A waiver from subsection 3 may be granted by  
41 the ~~commissioner~~ commission on a case-by-case basis for instances  
42 of renovation as defined by section 1413, subsection 15. In  
43 regards to the renovation of historic buildings, a waiver is  
44 granted when the Executive Director of the State Historic  
45 Preservation Commission determines that adherence to the energy  
46 building standards would result in irreparable damage to the  
47 historic character of a building on the National Register of  
48 Historic Places, eligible for nomination to the national register  
49 or designated as a historic building by a certified municipal  
50 historic preservation ordinance. In other instances, such as the

2 rebuilding of a structure damaged by fire or a historic  
3 preservation project when maintaining historic character is not  
4 an issue, the ~~commissioner~~ Public Utilities Commission may grant  
5 a waiver when it can be shown that the additional cost of meeting  
6 the energy building standards would make the building renovation  
economically infeasible.

8 **5. Waiver decision.** The ~~commissioner~~ commission shall  
9 render a decision on an application for a waiver from the  
10 standards within 30 days of the receipt by the ~~commissioner~~  
11 commission of a complete application for a waiver. In rendering  
12 a decision, the ~~commissioner~~ commission may place conditions upon  
13 the granting of a waiver. Failure on the part of the  
14 ~~commissioner~~ commission to render a decision within the 30-day  
15 period constitutes approval of the request for the waiver.

16 **Sec. 9. 10 MRSA §1415-D**, as amended by PL 2003, c. 645, §5,  
17 is further amended to read:

18 **§1415-D. Mandatory standards for commercial construction**

19 Except as provided in this section, new construction or  
20 substantial renovation of any commercial ~~or--institutional~~  
21 building undertaken after January 1, 2004 must conform to ASHRAE  
22 Standard 62-2001 and either ASHRAE Standard 90.1-2001 or the 2003  
23 edition of the International Energy Conservation Code published  
24 by the International Code Council under any of the compliance  
25 methods specified in the standards. ~~For--the--purpose--of--this~~  
26 ~~section--compliance--with--the--2003--edition--of--the--International~~  
27 ~~Energy--Conservation--Code--published--by--the--International--Code~~  
28 ~~Council--constitutes--compliance--with--ASHRAE--Standard--90.1-2001.~~  
29 For the purpose of this section, "substantial renovation" means  
30 any renovation for which the cost exceeds 50% of the building's  
31 current value prior to renovation.

32 **1. Construction in anticipation of future sale or rental.**  
33 Any person who constructs any commercial ~~or--institutional~~  
34 building after January 1, 1989 with the intent to sell or lease  
35 the building to another party whose energy requirements are  
36 unknown at the time of construction is subject to the following  
37 provisions.

38 **A.** The person constructing the building shall employ  
39 construction techniques and design features that permit the  
40 ready installation of energy efficient equipment and  
41 materials sufficient to meet the standards established under  
42 this section ~~which~~ that are applicable to all reasonably  
43 foreseeable uses of the building.

2 B. The person to whom the building is sold or leased is  
3 responsible for promptly installing the materials and  
4 equipment necessary for the building to conform with the  
standards established under this section.

6 **Sec. 10. 10 MRSA §1415-E**, as amended by PL 2003, c. 644, §3,  
7 is further amended to read:

8 **§1415-E. Administration of standards**

10 **1. Administration.** The Department---of---Economic---and  
12 Community---Development commission is responsible for the  
14 administration and-enforcement of the standards established in  
this chapter. In administering these standards, the Department  
of-Economic-and-Community-Development commission shall:

16 A. Work cooperatively with other state, regional and local  
18 agencies interested in or affected by these standards and  
20 may, by rules adopted in accordance with Title 5, chapter  
375, distribute to regional planning councils funds made  
available for this purpose.

22 **Sec. 11. 10 MRSA §1415-G**, as amended by PL 2003, c. 20, Pt.  
24 RR, §8, is further amended to read:

26 **§1415-G. Electric heating systems; subsidized  
housing**

28 **1. Residential construction, remodeling and renovation.**  
30 Except as provided in this section, during the construction,  
32 remodeling or renovation of a multifamily residential building  
structure, a person may not install electric space heating  
34 equipment as the primary heating system if that construction,  
remodeling or renovation is funded in whole or in part by public  
funds, guarantees or bond proceeds. For purposes of this  
36 section, "multifamily residential building structure" means a  
residential structure with more than one dwelling unit.

38 **2. Waiver.** After written petition from a building owner,  
40 the ~~eommissioner~~ commission shall grant a waiver from subsection  
1 if the building design conforms to the residential standards  
42 set forth in subsection 3 or 4. A waiver granted by the  
~~eommissioner~~ commission under this subsection must be in writing  
44 and state the ~~eommissioner's~~ commission's reason for granting the  
waiver.

46 **3. Residential standards; electric heat.** If the  
48 ~~eommissioner~~ commission grants a waiver under subsection 2, the  
building owner shall renovate the building or construct a new  
50 building so that the entire building conforms to the minimum

2 energy efficiency standards established in this section. If a  
3 waiver is granted under subsection 2 for a building to be  
4 remodeled or a building that receives an addition, only the  
5 remodeled portion of the building or the addition must conform to  
6 the following minimum energy efficiency standards.

7 A. All ceilings that face an outdoor or unheated space must  
8 be insulated to an R-value of 57 or greater.

10 B. All walls that face an outdoor or unheated space must be  
11 insulated to an R-value of 38 or greater.

12 C. All floors over unheated spaces must be insulated to an  
13 R-value of 25 or greater.

14 D. Slab-on-grade floors must have perimeter insulation of  
15 either:

16 (1) R-15 when the insulation extends downward from the  
17 top of the slab to the design frost line; or

18 (2) R-15 when the insulation extends around the  
19 perimeter and horizontally or diagonally beneath or  
20 away from the slab for a distance equivalent to the  
21 depth of the frost line.

22 E. All foundation walls adjacent to a heated space must be  
23 insulated from the top of the foundation to the frost line  
24 to an R-value of 19 or greater.

25 F. All windows and glass in doors, when the glass in the  
26 door constitutes 1/3 or more of the door area, must have a  
27 total window unit R-value of 2.5 or greater.

28 G. All exterior doors must be insulated or equipped with a  
29 storm door.

30 H. All new construction and renovation must comply with  
31 infiltration and ventilation standards established by the  
32 ~~commissioner~~ commission.

33 **4. Performance-based compliance.** Effective--January--1,  
34 1992,~~-the-commissioner~~ The commission may waive the requirements  
35 of subsection 3 for any building if the ~~commissioner~~ commission  
36 determines that the building's calculated annual energy  
37 consumption is not greater than the annual energy consumption of  
38 a similar building constructed in accordance with subsection 3.

39 The ~~commissioner-shall~~ commission may adopt rules that establish  
40 a performance-based compliance procedure for residential

2 buildings before January 1, 1992. Rules adopted pursuant to this  
3 subsection are routine technical rules as defined in Title 5,  
4 chapter 375, subchapter 2-A.

5 **5. Violation.** A building owner who violates this section or  
6 rules adopted under this section commits a civil violation for  
7 which a ~~forfeiture~~ fine of not less than \$100 nor more than 5% of  
8 the value of construction must be adjudged.

10 **6. Notification.** An agency, municipality or granting  
11 authority that provides a housing subsidy as described in this  
12 section must notify the ~~Public-Utilities-Commission~~ commission  
13 that the application complies with the residential energy  
14 requirements of this section. Notification must be in a form  
15 prescribed by rule by the commission.

16 **Sec. 12. 10 MRSA §1415-H,** as amended by PL 2003, c. 20, Pt.  
17 RR, §9 and affected by §18, is repealed.

18 **Sec. 13. 10 MRSA §1415-I** is enacted to read:

19 **§1415-I. Notice**

20 The commission shall develop materials that provide  
21 information about the mandatory standards imposed under section  
22 1415-D and the penalties for noncompliance established under  
23 section 1420. The commission shall provide copies of the  
24 materials to permitting authorities who shall in turn distribute  
25 those copies to persons seeking permits to construct or renovate  
26 commercial buildings. For purposes of this section, "permitting  
27 authorities" means authorities with jurisdiction over the  
28 issuance of building permits or other permits associated with the  
29 construction or renovation of commercial buildings. The  
30 commission may also provide copies of the materials or other  
31 educational materials to entities involved in the design or  
32 construction of commercial buildings.

33 **Sec. 14. 10 MRSA §1420, sub-§3,** as enacted by PL 1987, c. 818,  
34 §5, is amended to read:

35 **3. All other buildings.** ~~After January 1, 1989, it~~ It is  
36 unlawful for any person to construct any residential, or  
37 commercial ~~or institutional~~ building in violation of section  
38 1415-C or 1415-D. The owner of any building constructed in  
39 violation of this subsection is subject to a civil penalty not to  
40 exceed 5% of the value of the construction, payable to the State,  
41 to be recovered in a civil action.

42 **Sec. 15. 35-A MRSA §121, sub-§2,** as enacted by PL 2003, c.  
43 645, §6, is amended to read:





2           5. Provides that municipalities may adopt an amended  
version of the model building energy code that does not include  
4 certain parts or portions of that code or that creates new  
exemptions from its requirements but does not permit a  
6 municipality to adopt a version that includes modifications to  
any standard established in that code.



# 122nd MAINE LEGISLATURE

LD (not known)

LR 2406(01)

## An Act Regarding Energy Codes

### Fiscal Note for Original Bill

Reported pursuant to 5 MRSA, section 3327(4)

Committee: Utilities and Energy

Fiscal Note Required: Yes

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## Fiscal Note

Minor cost increase - Other Special Revenue Funds

### Fiscal Detail and Notes

The additional costs associated with this legislation can be absorbed by the Public Utilities Commission within existing budgeted resources.