

MAINE STATE LEGISLATURE

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No. 1655

H.P. 1164

House of Representatives, March 22, 2007

An Act To Improve Home and Commercial Building Energy Efficiency

Reference to the Committee on Utilities and Energy suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative HINCK of Portland.
Cosponsored by Senator BARTLETT of Cumberland and
Representatives: BEAULIEU of Auburn, BERRY of Bowdoinham, BLISS of South Portland,
BRAUTIGAM of Falmouth, FLETCHER of Winslow, SAMSON of Auburn. Senators:
BROMLEY of Cumberland, HOBBS of York.

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

2 **Sec. 1. 10 MRSA §1413, sub-§17** is enacted to read:

3 **17. Transmission and distribution utility.** "Transmission and distribution utility"
4 has the same meaning as set forth in Title 35-A, section 10, subsection 20-A.

5 **Sec. 2. 10 MRSA §1415-C, sub-§3,** as amended by PL 2005, c. 350, §7 and
6 affected by §16, is repealed.

7 **Sec. 3. 10 MRSA §1415-C, sub-§3-A** is enacted to read:

8 **3-A. Residential buildings.** Beginning January 1, 2008, any new construction or
9 renovation of any residential building must conform to the model building energy code
10 developed by the commission pursuant to Title 35-A, section 121.

11 **Sec. 4. 10 MRSA §1415-C, sub-§3-B** is enacted to read:

12 **3-B. Exemptions.** The requirements of subsection 3-A do not apply to:

13 A. Log homes;

14 B. Modular housing. For purposes of this paragraph, "modular housing" means the
15 type of manufactured housing described in section 9002, subsection 7, paragraph B;
16 or

17 C. Single-family owner-built residential buildings. For purposes of this paragraph,
18 "owner-built residential building" means a residential building that is constructed by
19 a person who will use the building as that person's residence. For purposes of this
20 paragraph, a person who supervises the construction of a single-family residence or
21 contracts with a person to supervise the construction of a single-family residence is
22 not considered to have constructed the residence.

23 **Sec. 5. 10 MRSA §1415-C, sub-§4,** as amended by PL 2005, c. 350, §8 and
24 affected by §16, is further amended to read:

25 **4. Waiver.** A waiver from subsection ~~3~~ 3-A may be granted by the commission on a
26 case-by-case basis for instances of renovation as defined by section 1413, subsection 15.
27 In regards to the renovation of historic buildings, a waiver is granted when the Executive
28 Director of the State Historic Preservation Commission determines that adherence to the
29 energy building standards would result in irreparable damage to the historic character of a
30 building on the National Register of Historic Places, eligible for nomination to the
31 national register or designated as a historic building by a certified municipal historic
32 preservation ordinance. In other instances, such as the rebuilding of a structure damaged
33 by fire or a historic preservation project when maintaining historic character is not an
34 issue, the Public Utilities Commission may grant a waiver when it can be shown that the
35 additional cost of meeting the energy building standards would make the building
36 renovation economically infeasible.

37 **Sec. 6. 10 MRSA §1415-J** is enacted to read:

1 **§1415-J. Certificate of compliance**

2 **1. Certificate required.** Before installing permanent service to a residential or
3 commercial building, a transmission and distribution utility shall obtain from the owner
4 of the building or from the owner's legal agent, on a form provided by the utility,
5 certification signed by the owner of the building or the owner's legal agent that the
6 building complies with the requirements of this chapter. A copy of the signed
7 certification must be provided by the transmission and distribution utility to the
8 commission.

9 **2. Penalties.** A transmission and distribution utility that knowingly violates
10 subsection 1 commits a civil violation for which a fine of not less than \$100 nor more
11 than \$500 may be adjudged. An owner of a building who falsely certifies that the
12 building complies with the standards established under this chapter commits a civil
13 violation for which a fine of not less than \$100 and not more than 5% of the value of the
14 construction may be adjudged.

15 **3. Rules.** The commission shall adopt rules to implement this section. Rules
16 adopted pursuant to this subsection are routine technical rules as defined in Title 5,
17 chapter 375, subchapter 2-A.

18 **Sec. 7. 35-A MRSA §121, sub-§1,** as enacted by PL 2003, c. 645, §6, is amended
19 to read:

20 **1. Development; rules.** The commission shall adopt by rule a model building
21 energy code, including a ventilation code, that is consistent with any other model building
22 codes adopted by the State and with the building energy standards established in Title 10,
23 section 1415-C, subsection ~~3~~ 3-A and section 1415-D. The commission shall ensure that
24 the model code is not inconsistent with any other applicable state code or standard,
25 including, but not limited to, any fire safety code, plumbing code, oil and solid fuel
26 equipment standard, propane and natural gas equipment standard or boiler and pressure
27 vessel standard.

28 Rules adopted pursuant to this subsection are major substantive rules as defined in Title
29 5, chapter 375, subchapter 2-A.

30 **Sec. 8. Effective date.** This Act takes effect January 1, 2008.

31 **SUMMARY**

32 Currently, Maine law requires that all commercial new construction and renovation
33 and multifamily residential construction must comply with the standards set forth in the
34 Energy Efficiency Building Performance Standards Act.

35 This bill requires that any new construction or renovation of any residential building
36 must conform to the model building energy code developed by the Public Utilities
37 Commission pursuant to the Maine Revised Statutes, Title 35-A, section 121. This bill
38 also establishes an enforcement mechanism for ensuring compliance with the mandatory
39 standards established for both residential and commercial construction.