

MAINE STATE LEGISLATURE

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Date: 3/26/08

L.D. 2082
(Filing No. H-816)

EDUCATION AND CULTURAL AFFAIRS

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
123RD LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1468, L.D. 2082, Bill, "An Act To Preserve Successful Historic Neighborhood Schools"

Amend the bill by striking out everything after the enacting clause and before the emergency clause and inserting the following:

'Sec. 1. 20-A MRSA §15908-A, as enacted by PL 2003, c. 497, §2 and affected by §5, is amended to read:

§15908-A. School energy efficiency standards rules

1. Definition. For purposes of this section, "substantially renovated" means any renovation for which the cost exceeds 50% of the building's current value prior to renovation.

2. Rules. The state board, in consultation with the Department of Administrative and Financial Services and the Public Utilities Commission, shall by rule require as a condition for state funding for construction that, except as provided in subsection 4, all planning and design for new or substantially renovated schools or school buildings subject to state board approval:

A. Involve consideration of architectural designs and energy systems that show the greatest net benefit over the life of the building by minimizing long-term energy and operating costs;

B. Include an energy-use target that exceeds by at least 20% the energy efficiency standards in effect for commercial and institutional buildings pursuant to Title 10, section 1415-D; and

C. Include a life-cycle cost analysis that explicitly considers cost and benefits over a minimum of 30 years and that explicitly includes the public health and environmental benefits associated with energy-efficient building design and construction, to the extent they can be reasonably quantified.

COMMITTEE AMENDMENT

1 The state board shall adopt rules pursuant to this section by July 1, 2004. Rules adopted
2 pursuant to this section are routine technical rules as defined in Title 5, chapter 375,
3 subchapter 2-A.

4 **3. Requirements for approval.** ~~The~~ Except as provided in subsection 4, the state
5 board shall withhold approval of a state-funded new or substantially renovated school or
6 school building if the local school authority proposing the project can not show that it has
7 duly considered the most energy-efficient and environmentally efficient designs suitable
8 in accordance with rules adopted pursuant to this section.

9 **4. Renovation of historic school buildings; waiver.** The state board may, in
10 consultation with the Public Utilities Commission and the Executive Director of the State
11 Historic Preservation Commission, grant a waiver from the requirements of this section
12 on a case-by-case basis for instances of substantial renovation of a historic school
13 building. For the purposes of this subsection, "historic school building" means a school
14 building that is on the National Register of Historic Places, eligible for nomination to the
15 national register or designated as a historic building by a certified municipal historic
16 preservation ordinance.

17 A. The state board shall grant a waiver request if, in the board's opinion, the local
18 school authority proposing the renovation project has demonstrated that renovation of
19 the historic school building would not compromise the public health and safety
20 requirements of this chapter and that 2 or more of the following circumstances exist:

21 (1) Renovation of the historic school building is in substantial compliance with
22 the energy efficiency standards required under this section as determined by the
23 Public Utilities Commission;

24 (2) Renovation of the historic school building provides substantial energy
25 efficiency as determined by the Public Utilities Commission and also provides
26 education, social or environmental benefits as determined by the department over
27 alternative proposals, including, but not limited to, any proposals to construct a
28 new school on an alternative site; and

29 (3) Adherence to the energy building standards would result in irreparable
30 damage to the historic character of a historic school building as determined by
31 the Executive Director of the State Historic Preservation Commission.

32 B. An application for a waiver from the requirements of this section must be
33 submitted to the state board in accordance with requirements established by the state
34 board by rule pursuant to paragraph D. The waiver application must include
35 documentation to substantiate the conditions of this subsection. If the request is
36 denied, the state board shall communicate the reasons for denying the request to the
37 applicant.

38 C. The state board shall render a decision on an application for a waiver from the
39 requirements of this section within 60 days of the receipt by the state board of a
40 complete application for a waiver. In rendering a decision, the state board may place
41 conditions upon the granting of a waiver. Failure on the part of the state board to
42 render a decision within the 60-day period constitutes approval of the request for the
43 waiver.

1 D. The state board shall adopt or amend rules to implement the requirements of this
2 subsection. Rules adopted under this paragraph are routine technical rules as defined
3 in Title 5, chapter 375, subchapter 2-A.'

4 **SUMMARY**

5 This amendment strikes and replaces the bill to allow the State Board of Education, in
6 consultation with the Public Utilities Commission and the Executive Director of the State
7 Historic Preservation Commission, to grant waivers from mandatory energy efficiency
8 standards for building construction and renovation on a case-by-case basis for the
9 substantial renovation of historic school buildings. Under the amendment, the State
10 Board of Education shall grant a waiver from the mandatory energy standards for
11 commercial construction to a local school authority that can demonstrate that the
12 renovation of the historic school building would not compromise existing public health
13 and safety requirements for school facilities and can demonstrate that 2 or more of the
14 following circumstances exist:

15 1. The proposed renovation of the historic school building is in substantial
16 compliance with the energy efficiency standards;

17 2. The proposed renovation of the historic school building provides substantial
18 energy efficiency and also provides education, social or environmental benefits over
19 alternative proposals; and

20 3. Adherence to the energy building standards would result in irreparable damage to
21 the historic character of the historic school building.

22 The amendment also directs the State Board of Education to adopt or amend rules to
23 allow for a waiver of the energy efficiency standards for the substantial renovation of a
24 historic school building.

FISCAL NOTE REQUIRED
(See attached)



Approved: 03/24/08 *mac*

123rd MAINE LEGISLATURE

LD 2082

LR 2784(02)

An Act To Preserve Successful Historic Neighborhood Schools

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Additional costs to the State Board of Education and the Public Utilities Commission associated with amending rules governing school energy efficiency standards can be absorbed within existing budgeted resources.

Additional costs to the Maine Historic Preservation Commission and the Department of Education associated with making the required determinations can be absorbed within existing budgeted resources.