

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

SECOND REGULAR SESSION-2008

Legislative Document

No. 2082

H.P. 1468

House of Representatives, December 27, 2007

An Act To Preserve Successful Historic Neighborhood Schools

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative HINCK of Portland.

Cosponsored by Representatives: ADAMS of Portland, Speaker CUMMINGS of Portland, FAIRCLOTH of Bangor, FLOOD of Winthrop, KOFFMAN of Bar Harbor, Senator: BOWMAN of York.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** historic school buildings have provided an educational foundation for
4 many of the State's current and past leaders and added significant value to Maine
5 communities; and

6 **Whereas,** deliberations about the future of historic school buildings across the State
7 are in progress, including deliberations regarding the 100-year-old Nathan Clifford
8 School in Portland, designed by renowned architect John Calvin Stevens; and

9 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
10 the meaning of the Constitution of Maine and require the following legislation as
11 immediately necessary for the preservation of the public peace, health and safety; now,
12 therefore,

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

14 **Sec. 1. 10 MRSA §1415-D, sub-§2** is enacted to read:

15 **2. Renovation of historic school buildings; waiver.** The commission may grant a
16 waiver from the requirements of this section on a case-by-case basis for instances of
17 substantial renovation of a historic school building. For the purposes of this subsection,
18 “historic school building” means a school building that is on the National Register of
19 Historic Places, eligible for nomination to the national register or designated as a historic
20 building by a certified municipal historic preservation ordinance.

21 A. The commission may grant a waiver under this subsection if the local school
22 authority proposing the renovation project can demonstrate that the renovation of the
23 historic school building is in substantial compliance with the standards required under
24 this section or that it provides substantial energy efficiency, education, social or
25 environmental benefits over alternative proposals, including, but not limited to, any
26 proposals to construct a new school on an alternative site.

27 B. An application for a waiver under this subsection must be submitted to the
28 commission in accordance with requirements established by the commission by rule.
29 The waiver application must document the building’s qualification as a historic
30 school building under this subsection.

31 C. The commission shall render a decision on an application for a waiver under this
32 subsection within 30 days of the receipt by the commission of a complete application
33 for a waiver. In making its decision, the commission shall consider the degree of
34 compliance with the requirements of this section, the embodied energy in the existing
35 historic school building and energy use required for school transportation under
36 alternative proposals. In rendering a decision, the commission may place conditions
37 upon the granting of a waiver. Failure on the part of the commission to render a
38 decision within the 30-day period constitutes approval of the request for the waiver.
39 For the purposes of this subsection, “embodied energy” means the energy required by
40 all processes associated with the production of a building.

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

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

6 **§15908-A. School energy efficiency standards rules**

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

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

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

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

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

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

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

33 **4. Renovation of historic school buildings; waiver.** The state board may, in
34 consultation with the Public Utilities Commission, grant a waiver from the requirements
35 of this section for instances of substantial renovation of a historic school building in
36 which the local school authority proposing the project has obtained a waiver from the
37 energy efficiency building performance standards for commercial construction under
38 Title 10, section 1415-D, subsection 2. For the purposes of this subsection, "historic
39 school building" means a school building that is on the National Register of Historic
40 Places, eligible for nomination to the national register or designated as a historic building
41 by a certified municipal historic preservation ordinance.

1 **Sec. 3. Rulemaking.** The State Board of Education shall amend the rules
2 governing school energy efficiency standards to allow for a waiver for instances of
3 substantial renovation of a historic school building in accordance with the Maine Revised
4 Statutes, Title 20-A, section 15908-A, subsection 4.

5 **Emergency clause.** In view of the emergency cited in the preamble, this
6 legislation takes effect when approved.

7
SUMMARY

8 This bill allows the Public Utilities Commission and the State Board of Education to
9 grant waivers from mandatory energy efficiency standards for building construction and
10 renovation on a case-by-case basis for the renovation of historic school buildings. Under
11 the bill, the Public Utilities Commission may grant a waiver from the mandatory energy
12 standards for commercial construction to a local school authority that can demonstrate
13 that a proposed renovation of a historic school building is in substantial compliance with
14 the energy efficiency standards or that it provides substantial energy efficiency,
15 education, social or environmental benefits over alternative proposals. The State Board
16 of Education may grant a waiver from its school energy efficiency standards rules to a
17 local school authority that has obtained a waiver from the mandatory energy standards for
18 commercial construction from the Public Utilities Commission. The bill also directs the
19 State Board of Education to amend its rules governing school energy efficiency standards
20 to allow for such a waiver.