

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 935

S.P. 357

In Senate, March 10, 2009

An Act To Rate Energy Efficiency and Carbon Emissions of Buildings

Reference to the Committee on Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator GOODALL of Sagadahoc.
Cosponsored by Senators: ALFOND of Cumberland, BARTLETT of Cumberland, BLISS of Cumberland, SIMPSON of Androscoggin, Representatives: DUCHESNE of Hudson, EBERLE of South Portland.

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

2 **Sec. 1. 10 MRSA §9722, sub-§6, ¶J,** as enacted by PL 2007, c. 699, §6, is
3 amended to read:

4 J. In the adoption and amendment of the Maine Uniform Building and Energy Code,
5 ensure that nontraditional or experimental construction, including but not limited to
6 straw bale and earth berm construction, is permissible under the code; ~~and~~

7 **Sec. 2. 10 MRSA §9722, sub-§6, ¶K,** as enacted by PL 2007, c. 699, §6, is
8 amended to read:

9 K. In the adoption and amendment of the Maine Uniform Building and Energy Code,
10 ensure that building materials from local sawmills, including but not limited to
11 nongraded lumber, are permissible under the code; and

12 **Sec. 3. 10 MRSA §9722, sub-§6, ¶L** is enacted to read:

13 L. Develop and administer the building energy and carbon performance rating
14 program in accordance with chapter 1105.

15 **Sec. 4. 10 MRSA c. 1105** is enacted to read:

16 **CHAPTER 1105**

17 **MAINE BUILDING ENERGY AND CARBON PERFORMANCE RATING ACT**

18 **§9741. Short title**

19 This chapter may be known and cited as "the Maine Building Energy and Carbon
20 Performance Rating Act."

21 **§9742. Definitions**

22 As used in this chapter, unless the context otherwise indicates, the following terms
23 have the following meanings.

24 1. Board. "Board" means the Department of Public Safety, Technical Building
25 Codes and Standards Board established in Title 5, section 12004-G, subsection 5-A.

26 2. Bureau. "Bureau" means the Department of Public Safety, Bureau of Building
27 Codes and Standards established in Title 25, section 2372.

28 3. Energy and carbon performance database. "Energy and carbon performance
29 database" or "database" means a database consisting of the report cards of all state
30 buildings.

31 4. Energy and carbon performance evaluator. "Energy and carbon performance
32 evaluator" means a person certified by the bureau in accordance with section 9743,
33 subsection 2 to complete energy and carbon performance evaluations.

1 **5. Nonstate building.** "Nonstate building" means any residential or nonresidential
2 building that is not a state building.

3 **6. Program.** "Program" means the building energy and carbon performance rating
4 program established in section 9743.

5 **7. Significant renovation.** "Significant renovation" means any renovation for which
6 the cost exceeds 50% of the building's current value prior to renovation.

7 **8. State building.** "State building" means a state-owned building or a privately
8 owned building that leases space to the State.

9 **9. Report card.** "Report card" means a uniform written document issued by an
10 energy and carbon performance evaluator that summarizes the results of a program
11 evaluation.

12 **§9743. Building energy and carbon performance rating program; established**

13 The board shall establish and administer a building energy and carbon performance
14 certificate program for the purpose of evaluating and rating buildings in terms of energy
15 efficiency and carbon emissions. The program must include, but is not limited to, a
16 uniform building energy and carbon performance evaluation and rating system and report
17 cards. In developing the standards for the program, the board shall consider the varying
18 building stock in the State, including but not limited to residential, commercial, industrial
19 and historic buildings. The bureau shall provide administrative and technical support to
20 the board in the development and administration of the program.

21 **1. Report card.** A report card must document, in summary form, the energy
22 efficiency and carbon emissions ratings of a building as determined by a program
23 evaluation conducted by an energy and carbon performance evaluator. The report card
24 must also list specific recommendations to increase the energy efficiency and reduce the
25 carbon emissions of the building. A report card is valid for 10 years from the date of
26 issuance or until such a time that a significant renovation is made to the building,
27 whichever comes first.

28 **2. Energy and carbon performance evaluators.** The bureau, in consultation with
29 the Executive Department, State Planning Office, shall establish or designate a training
30 and certification program for energy and carbon performance evaluators. The training
31 program must cover the administration of the program's uniform building energy and
32 carbon performance evaluation and rating system and the report cards.

33 **3. Energy and carbon performance database.** The bureau shall establish and
34 maintain the energy and carbon performance database. The bureau shall post the
35 database on a publicly accessible website. A report card for a state building must be
36 added to the database and posted to the publicly accessible website within 90 days of the
37 completion of a program evaluation of the building.

1 **§9744. State buildings**

2 **1. Evaluation required.** The owner of a state building shall have the building
3 evaluated and rated every 10 years by an energy and carbon performance evaluator using
4 the program's uniform building energy and carbon performance evaluation and rating
5 system. The initial evaluation of a state building must be completed no later than January
6 1, 2011. The cost of an evaluation required under this subsection is the responsibility of
7 the owner of the building.

8 **2. Report card.** A report card issued as a result of an evaluation required under
9 subsection 1 must be posted online in the energy and carbon performance database in
10 accordance with section 9743, subsection 3. The energy and carbon performance ratings
11 for a state building as documented in the report card may be used in negotiating the terms
12 of future lease arrangements, but may not be used to impose any fees or fines relative to
13 existing lease arrangements.

14 **3. Exceptions.** The board shall by rule establish limited exceptions to the
15 requirements of this section, including but not limited to exceptions for state buildings
16 that do not have heating or cooling systems and state buildings that do not have
17 electricity.

18 **§9745. Nonstate buildings**

19 Except as provided in this section, the owner of a nonstate building is not required to
20 have the building evaluated and rated by an energy and carbon performance evaluator.

21 **1. Initial sale of private building.** When a private residential or commercial
22 building that is required to conform to the Maine Uniform Building and Energy Code
23 pursuant to section 9724 is sold for the first time after January 1, 2011, the seller shall
24 have the building evaluated and rated by an energy and carbon performance evaluator and
25 provide a copy of the valid building report card from that evaluation to the buyer at the
26 time of the sale.

27 **2. Subsequent sale of private building.** For any subsequent sale of a building
28 subject to subsection 1, the seller shall provide to the buyer at the time of the subsequent
29 sale:

30 **A.** A copy of the valid building report card;

31 **B.** Documentation of total heating fuel consumption per heating system or source for
32 the prior 24 months; and

33 **C.** Documentation of total electricity consumption for the prior 24 months.

34 **§9746. Rules**

35 The board shall adopt rules to implement this chapter. Rules adopted pursuant to this
36 section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

1

SUMMARY

2 This bill establishes a building energy performance rating program for the purpose of
3 evaluating and rating buildings in terms of energy efficiency and carbon emissions. The
4 program includes a uniform building energy performance evaluation and rating system
5 and report cards. The program is mandatory for state-owned buildings and buildings that
6 lease space to the State. The program is voluntary for other buildings, except that
7 disclosure of report cards is required at the time of the sale of certain private buildings
8 beginning January 1, 2011. The program is administered by the Department of Public
9 Safety, Technical Building Codes and Standards Board with administrative and technical
10 support from the Department of Public Safety, Bureau of Building Codes and Standards.