

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

SECOND SPECIAL SESSION

September 25, 1981

AND

THIRD SPECIAL SESSION

December 9, 1981

AND

SECOND REGULAR SESSION

January 6, 1982 to April 13, 1982

AND AT THE

FOURTH SPECIAL SESSION

April 28, 1982 to April 29, 1982

AND AT THE

FIFTH SPECIAL SESSION

May 13, 1982

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 164, SUBSECTION 6.

J.S. McCarthy Co.
Augusta, Maine
1981

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND AND THIRD SPECIAL SESSIONS

and

SECOND REGULAR SESSION

and

FOURTH AND FIFTH SPECIAL SESSIONS

of the

ONE HUNDRED AND TENTH LEGISLATURE

1981

CHAPTER 597

H.P. 1916 - L.D. 1893

AN ACT to Establish Voluntary Certification for Building Energy Auditors.

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

32 MRSA c. 88 is enacted to read:

CHAPTER 88

VOLUNTARY CERTIFICATION PROGRAM FOR ENERGY AUDITORS

§8021. Legislative findings and intent

The Legislature finds that certification of residential and of commercial building energy auditors would be beneficial to the health and safety of the public and would enable consumers to have confidence in obtaining accurate and complete information from an energy audit. The purpose of this chapter is to establish a voluntary certification program for energy auditors of residential and commercial buildings in order to assure the competence necessary to bring about increased utilization of energy conservation techniques.

§8022. Definitions

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

1. Commercial building. "Commercial building" means:

A. Any building which is owned and operated by a person, firm, partnership or corporation employing fewer than 100 persons, which is used primarily for the wholesale or retail sale of goods or services or manufacture of products; or

B. Any building used for residential purposes which has more than 4 dwelling units.

2. Energy auditor. "Energy auditor" means a person who is trained to prepare a report which delineates the

energy consumption characteristics of a building, identifies appropriate energy conservation operations and maintenance procedures and recommends appropriate energy conservation measures.

3. Energy conservation measure. "Energy conservation measure" means the installation of materials or equipment, or both, which are primarily designed to reduce energy consumption or allow the use of alternate energy sources.

4. Energy conservation operation and maintenance procedures. "Energy conservation operation and maintenance procedures" means modifications to the operation and maintenance of a building or any energy using system within that building, which are designed to reduce the energy consumption within that building.

5. Residential building. "Residential building" means a building used for residential occupancy which:

A. Has a system for space heating or cooling; and

B. Contains at least one, but not more than 4, dwelling units.

§8023. Certification

The Office of Energy Resources shall issue energy auditors' certificates to those individuals who meet the requirements listed in this section. The Office of Energy Resources shall maintain all relevant records.

1. Examination. Individuals must successfully complete a written examination administered by the Office of Energy Resources, or an examination which receives the approval of the Office of Energy Resources, encompassing energy auditing techniques. Separate examinations for residential and commercial building audits shall be administered.

2. Experience. Individuals must demonstrate proof of completion of at least 5 energy audits, subject to an approval inspection by the Office of Energy Resources.

3. Existing auditors grandfathered. All energy auditors certified by the Office of Energy Resources in accordance with the National Energy Conservation and Policy Act, Public Law 95-619, as of the effective date of this chapter are certified for purposes of this chapter.

§8024. Fees

The Director of the Office of Energy Resources may establish reasonable fees for the issuance and renewal of energy auditors' certificates, based on the cost of certification. The fees shall be paid to the Treasurer of State to be used by the Office of Energy Resources for the purposes of this chapter.

§8025. Revocation, suspension or nonrenewal of certification

The Office of Energy Resources shall investigate, or cause to be investigated, all complaints against certified energy auditors and all cases of violations of this chapter. The Office of Energy Resources may refuse to renew the certification, or the Administrative Court may suspend or revoke the certification, of an energy auditor who is found guilty of:

1. Fraud. The practice of any fraud or deceit in obtaining a certificate pursuant to this chapter;
2. Negligence. Any gross negligence, incompetence or misconduct in performing an energy audit; or
3. Violation. Violation of any provision of this chapter.

§8026. Penalty provisions

Any person who falsely claims to be a certified residential or commercial building energy auditor commits a civil violation for which a forfeiture of not more than \$500 may be adjudged.

§8027. Renewals

All certificates shall expire on December 31st of the 2nd year following issuance or at such other times as the Director of the Office of Energy Resources may designate.

The certificates may be renewed on a biennial basis without further examination upon the payment of the proper fee. The Office of Energy Resources shall notify each person registered under this chapter of the date of expiration of his certificate and the amount of fee required for the certificate renewal for a 2-year period. The notice shall be mailed to the person's last known address at least 30 days prior to the expiration date of his certificate. Any person, who fails to renew his certificate within a period of 90 days following the expiration date, may be required by the Office of Energy Resources to take an examination in order to be recertified.

§8028. Rules

The Office of Energy Resources may, in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, adopt rules necessary to implement this chapter.

Effective July 13, 1982.

CHAPTER 598

H.P. 1827 - L.D. 1809

AN ACT to Permit Municipalities to Adopt Contract Zoning under the Maine Zoning Laws.

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

Sec. 1. 30 MRSA §4961, sub-§1, last sentence, as last amended by PL 1979, c. 418, is further amended to read:

The comprehensive plan may include planning techniques such as, but not limited to, planned unit development, site plan approval, open space zoning, clustered development, conditional zoning, contract zoning and zoning to protect access to direct sunlight for solar energy use.

Sec. 2. 30 MRSA §4962, sub-§1, ¶II is enacted to read:

I. Any zoning ordinance may include provisions for conditional or contract zoning. For the purposes of this subchapter, "conditional zoning" means the process by which the municipal legislative body may rezone property to permit the use of that property subject to conditions not generally applicable to other properties similarly zoned. "Contract zoning" means the process by which the property owner, in consideration of the rezoning of his property, agrees to the imposition of certain conditions or restrictions not imposed on other similarly zoned properties. All rezoning under this paragraph shall:

(1) Be consistent with the municipal comprehensive plan;