

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

**FIRST REGULAR SESSION**

December 5, 1984 to June 20, 1985

Chapters 1-384

PUBLISHED BY THE REVISOR OF STATUTES IN ACCORDANCE WITH  
MAINE REVISED STATUTES ANNOTATED, TITLE 3, SECTION 163-A,  
SUBSECTION 4.

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J.S. McCarthy Co., Inc.  
Augusta, Maine  
1986

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

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provided that that operation can be made in safety and that it does not interfere with traffic approaching from either direction on the public way;

(3) ATV's may operate on any portion of public ways when the public way has been closed in accordance with Title 23, section 2953;

(4) ATV's may operate on a public way which is not maintained or utilized for the operation of conventional motor vehicles, except that operation on the left side of the way shall be prohibited during the hours from sunset to sunrise;

(5) ATV's may be operated on streets and public ways during a period of emergency when the emergency has been so declared by a police agency having jurisdiction and when travel by conventional motor vehicles is not practicable; and

(6) ATV's may be operated on streets and public ways in special events of limited duration conducted according to a prearranged schedule, under a permit from the governmental unit having jurisdiction.

Effective September 19, 1985.

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## CHAPTER 370

S.P. 568 - L.D. 1496

### AN ACT to Establish Mandatory Energy Standards for Publicly-funded Buildings.

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

Sec. 1. 10 MRSA §1412, as enacted by PL 1979, c. 503, §2, is amended to read:

§1412. Legislative findings and purpose

The Legislature finds and declares that it is in the public interest to reduce the consumption of energy in buildings. The intent of this chapter is to reduce energy consumption by conservation. The Legislature finds that, in order to avoid duplication and confusion, state agencies adopting energy conservation standards shall coordinate their various regulations to the extent practicable.

Sec. 2. 10 MRSA §1413, sub-§15, as enacted by PL 1979, c. 503, §2, is amended to read:

15. Renovation. "Renovation" means the reconstruction, removal or replacement of any portion or element of an existing building which affects the heat loss or gain of the building, illumination of the building or the heating, ventilating or air conditioning system of the building where the total cost of the renovation exceeds 75% of the value of the building, but does not include normal maintenance and repair.

Sec. 3. 10 MRSA §1414-A is enacted to read:

§1414-A. Adoption of energy performance building standards by state agencies

Energy performance building standards adopted by state agencies shall be coordinated with each other, as far as practicable, so that similar activities and buildings are treated in a similar way. The Director of the Office of Energy Resources shall assist other state agencies in developing energy standards which comply with this section.

Sec. 4. 10 MRSA §1415-B is enacted to read:

§1415-B. Mandatory standards for publicly-funded buildings

1. Conformance. Any new construction or substantial renovation of any building, excluding single family residential buildings, undertaken after January 1, 1987, using any federal, state, county or municipal funds or guarantees or using bond proceeds of

a governmental or quasi-governmental agency shall conform to the standards established by the director under the authority of section 1415-A, unless the new construction or substantial renovation is already subject to comparable standards administered by a public agency.

2. Waiver. A waiver from subsection 1 may be granted by the director on a case by case basis for instances of substantial renovation. In regards to the renovation of historic buildings, a waiver shall be granted when the State Historic Preservation Officer determines that strict adherence to the energy building standards would result in irreparable damage to the historic character of a building on the National Register of Historic Places, eligible for nomination to the National Register or designated as a historic building by a certified municipal historic preservation ordinance. In other instances, such as the rebuilding of a structure damaged by fire or a historic preservation project where maintaining historic character is not an issue, the director may grant the waiver when it can show that the additional cost of meeting the energy building standards makes the building renovation economically infeasible.

3. Waiver decision. The director shall render a decision on an application for a waiver from the standards within 30 days of the receipt by the director of a complete application for a waiver. In rendering the decision, the director may place conditions upon the granting of a waiver. Failure on the part of the director to render a decision within the 30-day period shall constitute the approval of the request for the waiver.

4. Notice of intent. Prior to the construction or substantial renovation of a building subject to this section, a notice of intent shall be filed with the municipal building inspector, or the code enforcement officer if there is no municipal building inspector, in the municipality within which the construction or renovation will take place. The Office of Energy Resources shall provide to the municipalities the form to be filled out which shall include:

A. A signed statement that the building has been designed and will be constructed or substantially renovated in compliance with the established min-

imum energy efficiency building performance standards;

B. Information that establishes the location of this construction or substantial renovation, the intended use of the building, the names of the owner, designer and contractor or builder and information that generally indicates insulation values and construction methods or materials to be used in ensuring that the minimum standards will be met; and

C. Such other information as required by the director pursuant to rules adopted under the Administrative Procedure Act, Title 5, chapter 375.

5. Fees. A notice of intent shall be accompanied by a filing fee of \$5 per building. This fee shall be made payable to the municipality within which the building is located and is intended to be used to defray the cost to the municipality of administering this chapter.

6. Notification to the Office of Energy Resources. Within 30 days of the receipt of a signed notice of intent, the municipal building inspector or code enforcement officer shall forward to the Office of Energy Resources a copy of the notice.

7. Inspections. The Office of Energy Resources or its designee shall be responsible for the inspection of newly constructed or substantially renovated buildings in order to ensure compliance with the minimum standards.

Sec. 5. 10 MRSA §1420, as enacted by PL 1979, c. 503, §2, is amended by adding at the end a new paragraph to read:

After January 1, 1987, it is unlawful for any person to construct or substantially renovate any building in violation of section 1415-B. Any person who violates this provision shall be subject to a civil penalty not to exceed 5% of the value of the

construction or renovation payable to the State, to be recovered in a civil action.

Effective September 19, 1985.

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## CHAPTER 371

H.P. 215 - L.D. 249

### AN ACT Relating to the Maine Self-Insurance Guarantee Association.

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

Sec. 1. 39 MRSA §23, sub-§7-A is enacted to read:

7-A. Form of excess contracts. All primary excess insurance contracts issued or renewed after the effective date of this subsection shall name the self-insurer and the Maine Self-Insurance Guarantee Association as coinsureds to the extent of their respective interests. These excess contracts shall recognize the Maine Self-Insurance Guarantee Association's rights of recovery, within the terms of coverage provided by the contract, for payments made by the association to or on behalf of claimants regarding covered claims and for claims in the course of settlement, the value of which when reduced to payments will create an obligation on the part of the excess carrier to reimburse the association to the extent of funds disbursed by the association to discharge covered claims. The requirements of this subsection shall apply to any excess contract issued to any individual or group self-insurer as part of a self-insurance program approved for use within this State and shall be in addition to any other requirement applicable to excess contracts imposed by law or rule.

Excess insurance contracts shall further specify that the excess carrier and the Maine Self-Insurance Guarantee Association may enter into agreements on the terms of settlement and distribution of benefits accruing to claimants within the limits of the authority of the parties to make settlements with respect to any coverage year.