

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987

and the

SECOND REGULAR SESSION

January 6, 1988 to May 5, 1988

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

Twin City Printery
Lewiston, Maine
1988

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST AND SECOND SPECIAL SESSIONS
and
SECOND REGULAR SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

1988-89

HUMAN SERVICES, DEPARTMENT
OFAdaptive Equipment Loan Program
Fund Board

All Other \$5,000

Provides funds for anticipated ex-
penses of the board.

Effective pending referendum.

CHAPTER 818

S.P. 958 — L.D. 2539

**AN ACT to Revise the Energy Building
Standards Act.**Be it enacted by the People of the State of Maine as
follows:

Sec. 1. 10 MRSA §1413, sub-§9-A is enacted to read:

9-A. Industrial building. "Industrial building" means a building and any addition to an existing building which houses an operation or integrated series of operations engaged in as a business or segment of a business which transforms or converts personal property by physical, chemical or other means into a different form, composition or character from that in which it originally existed. The operation or operations are limited to those classified by the United States Department of Commerce with any standard industrial code of 20 through 39.

Sec. 2. 10 MRSA §1413, sub-§12, as enacted by PL 1979, c. 503, §2, is amended to read:

12. Commercial or institutional building. "Nonresidential building" "Commercial or institutional building" means any building with a conditioned space and any addition to an existing building which is not a residential or industrial building as defined herein.

Sec. 3. 10 MRSA §1413, sub-§16, as enacted by PL 1979, c. 503, §2, is repealed and the following enacted in its place:

16. Residential building. "Residential building" means a single-family or multifamily structure designed for year-round or winter seasonal use and additions to those buildings. This term includes modular homes as defined in Title 30, section 4965.

Sec. 4. 10 MRSA §§1415-C to 1415-E are enacted to read:

§1415-C. Mandatory standards for residential construction

1. Conformance. Any new conditioned space in a residential building built after January 1, 1989 shall be constructed to meet, at the minimum, the prescriptive ceiling, wall, floor, foundation and window thermal performance characteristics set out in this subsection.

A. Ceilings which face outdoor or unheated space must be insulated to R-38.

B. Walls which face outdoor or unheated space must be insulated to R-19.

C. Floors over unheated spaces must be insulated to R-19.

D. Slab-on-grade floors must have perimeter insulation of either:

(1) R-10 when the insulation extends downward from the top of the slab to the design frost line; or

(2) R-20 when the insulation extends around the perimeter itself and horizontally beneath the slab for a distance equivalent to the depth of the frost line.

E. Foundation walls below grade enclosing heated spaces must be insulated from the top of the foundation to the frost line to R-10.

F. All windows must be insulated to R-2.

2. Exemption. Any person constructing:

A. A single-family residential building for use as that person's residence is exempt from this section. The conditions of this paragraph are satisfied by any person who supervises the construction of that person's single-family residence or who contracts with a general contractor to supervise the construction of the single-family residence; or

B. A log home is exempt from this section.

§1415-D. Mandatory standards for commercial and institutional construction

Except as provided in this section, new construction of any commercial or institutional building undertaken after January 1, 1989 shall conform to the ASHRAE 90 standards under any of the compliance methods specified in the standards.

1. Construction in anticipation of future sale or rental. Any person who constructs any commercial or institutional building after January 1, 1989 with the intent to sell or lease the building to another party whose energy requirements are unknown at the time of construction is subject to the following provisions.

A. The person constructing the building shall employ construction techniques and design features that per-

mit the ready installation of energy efficient equipment and materials sufficient to meet the standards established under this section which are applicable to all reasonably foreseeable uses of the building.

B. The person to whom the building is sold or leased is responsible for promptly installing the materials and equipment necessary for the building to conform with the standards established under this section.

§1415-E. Administration of standards

1. Administration. The Office of Energy Resources shall be responsible for the administration and enforcement of the standards established in this chapter. In administering these standards, the Office of Energy Resources shall:

A. Work cooperatively with other state, regional and local agencies interested in or affected by these standards and may, by rules promulgated in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, distribute to regional planning councils funds made available for this purpose;

B. Revise the Manual of Accepted Practices to incorporate these mandatory provisions and make this and other relevant publications available to the towns and cities of this State; and

C. Collect data from municipalities and regional planning agencies on the energy construction characteristics of the residential units built after January 1, 1989 and include an analysis of that data in its biennial energy resources plan.

Sec. 5. 10 MRSA §1420, as amended by PL 1985, c. 370, §5, is repealed and the following enacted in its place:

§1420. Penalties

1. General. It is unlawful for any person to advertise or promote that any residential, industrial, commercial or institutional building conforms to the provisions of this chapter unless a certificate of energy efficiency has been granted for that building. Any person who violates this subsection is subject to a civil penalty not to exceed \$5,000, payable to the State, to be recovered in a civil action.

2. Publicly funded buildings. 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 subsection is 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.

3. All other buildings. After January 1, 1989, it is unlawful for any person to construct any residential, commercial or institutional building in violation of section 1415-C or 1415-D. The owner of any building construct-

ed in violation of this subsection is subject to a civil penalty not to exceed 5% of the value of the construction, payable to the State, to be recovered in a civil action.

Effective August 4, 1988.

CHAPTER 819

H.P. 1803 — L.D. 2467

AN ACT to Amend the Maine Income Tax Law.

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

Sec. 1. 5 MRSA §1514, sub-§4, as enacted by PL 1987, c. 504, §1, is repealed and the following enacted in its place:

4. Fund adjustments. Adjustments to the fund shall be as follows.

A. A transfer from this fund to the General Fund to offset the loss of revenue attributable to income tax reductions to avoid a windfall for the tax year 1987 is required prior to June 30, 1988, in the amount of \$16,500,000.

B. A transfer from this fund to the General Fund to offset the loss of revenue resulting from individual income tax reform for the 1988 tax year. The amount of this transfer will be equal to the amount certified to the fund because of increased individual income tax collections through the period ending June 30, 1988, less the amount transferred in paragraph A to offset individual income tax reductions and less the amount expended to offset 1987 tax year rebates and their administrative costs. This transfer shall be made no later than October 1, 1988.

Sec. 2. 36 MRSA §5111, as amended by PL 1987, c. 504, §7, is repealed and the following enacted in its place:

§5111. Imposition and rate of tax

A tax is imposed for each taxable year beginning on or after January 1, 1988, on the Maine taxable income of every resident individual of this State. The amount of the tax is to be determined as follows.

1. Single individuals and married persons filing separate returns. For single individuals and married persons filing separate returns:

<u>If Maine taxable income is:</u>	<u>The tax is:</u>
<u>Less than \$6,000</u>	<u>2% of the Maine taxable income</u>