

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
OCTOBER 9, 1991

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 Company  
Augusta, Maine  
1991

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

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

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**7. Investigatory powers.** The board shall notify the Department of the Attorney General upon receipt of a complaint. Upon receipt of the notifications, the Attorney General shall notify the department within a timely period if the alleged violation requires criminal investigation. If a case does not require criminal investigation, the board or its authorized representatives may investigate and gather evidence concerning alleged violations of this Act or of the rules of the board. The board or an officer authorized pursuant to paragraph A may remove from any drug outlet or wholesaler certain original records relating to scheduled drugs or controlled substances, including, but not limited to, prescription records, shipping and delivery records, patient profiles, inventories and other drug records for the purposes of photocopying analysis, duplication and furthering the investigation. ~~A signed inventory receipt shall of any records being removed must be furnished and the articles removed shall be returned within 3 hours to the drug outlet or wholesaler by the board or an authorized officer. The pharmacist who has custody of the records may accompany the board's representatives so that the pharmacist can attest to the authenticity and lack of alteration of the records being photocopied. When a means of producing legible photocopies is readily available at the site of the records being removed, an authorized officer removing the records shall leave photocopies of the records as part of an inventory receipt in accordance with this subsection. Except when photocopies are left as part of an inventory receipt, the board or an authorized officer removing records from a drug outlet or wholesaler shall, within 48 hours from the time of removal, provide to a representative of the drug outlet or wholesaler photocopies of any removed records, together with a certificate identifying the agency in possession of the records, or return the original records. Inventory receipts and photocopies of any removed records provided by the board or an authorized officer are admissible as evidence if offered by the drug outlet or wholesaler to prove compliance with any rule of the board or requirement of law.~~

A. Prescriptions, orders and records required by this chapter and stocks of narcotic prescription and legend drugs ~~shall be~~ are open for inspection only to the board and to federal, state, county and municipal officers, the board's inspectors and investigators, federal and state law enforcement officers whose duty it is to enforce the laws of this State or of the United States relating to narcotic scheduled drugs or controlled substances and other law enforcement officers authorized by the board or the Attorney General for the purposes of inspecting, investigating and gathering evidence of violations of law or any rule of the board. No officer having knowledge by virtue of the officer's office of any such prescription, order or record may divulge that knowledge, except in connection with a prosecution or proceeding in court or before a licensing or registration board or officer, to which prosecution or proceeding the person to whom such prescriptions, orders or records relate is a party or in connection with a prosecution or proceeding in court.

B. The Bureau of Health, the board, their officers, agents, inspectors and representatives, all peace officers within the State and all county prosecuting attorneys shall enforce all provisions of this chapter, except those specifically delegated, and shall cooperate with all agencies charged with the enforcement of the laws of the United States, of this State and of all other states relating to narcotic prescription or legend drugs or their equivalent.

See title page for effective date.

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## CHAPTER 275

S.P. 204 - L.D. 531

### An Act Concerning Energy Efficiency Standards for Subsidized Housing

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

**Sec. 1. 10 MRSA §1413, sub-§§13-A and 14-A** are enacted to read:

**13-A. Primary heating system.** "Primary heating system" means a heating system with a rated maximum heat output that is greater than 50% of the design heating load of the building or the unit.

**14-A. Remodeling.** "Remodeling" means the addition to an existing building of new conditioned space that is heated electrically or the conversion of existing space from nonelectric heat to electric heat.

**Sec. 2. 10 MRSA §1413, sub-§15,** as amended by PL 1985, c. 370, §2, is further amended to read:

**15. Renovation.** "Renovation" means the reconstruction, removal or replacement of any portion or element of an existing building which that 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 when the total cost of the renovation exceeds 75% of the assessed value of the building, but does not include normal maintenance and repair.

**Sec. 3. 10 MRSA §1415-G** is enacted to read:

**§1415-G. Electric heating systems; subsidized housing**

**1. Residential construction, remodeling and renovation.** Except as provided in this section, during the construction, remodeling or renovation of a multifamily residential building, a person may not install electric space heating equipment as the primary heating system if that construction, remodeling or renovation is funded in whole or in part by public funds, guarantees or bond proceeds. For purposes of this section, "multifamily residential building" means a structure with more than one dwelling unit.

**2. Waiver.** After written petition from a building owner, the commissioner shall grant a waiver from subsection 1 if the building design conforms to the residential standards set forth in subsection 3 or 4. A waiver granted by the commissioner under this subsection must be in writing and state the commissioner's reason for granting the waiver.

**3. Residential standards; electric heat.** If the commissioner grants a waiver under subsection 2, the building owner shall renovate the building or construct a new building so that the entire building conforms to the minimum energy efficiency standards established in this section. If a waiver is granted under subsection 2 for a building to be remodeled or a building that receives an addition, only the remodeled portion of the building or the addition must conform to the following minimum energy efficiency standards.

A. All ceilings that face an outdoor or unheated space must be insulated to an R-value of 57 or greater.

B. All walls that face an outdoor or unheated space must be insulated to an R-value of 38 or greater.

C. All floors over unheated spaces must be insulated to an R-value of 25 or greater.

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

(1) R-15 when the insulation extends downward from the top of the slab to the design frost line; or

(2) R-15 when the insulation extends around the perimeter and horizontally or diagonally beneath or away from the slab for a distance equivalent to the depth of the frost line.

E. All foundation walls adjacent to a heated space must be insulated from the top of the foundation to the frost line to an R-value of 19 or greater.

F. All windows and glass in doors, when the glass in the door constitutes 1/3 or more of the door area, must have a total window unit R-value of 2.5 or greater.

G. All exterior doors must be insulated or equipped with a storm door.

H. All new construction and renovation must comply with infiltration and ventilation standards established by the commissioner.

**4. Performance-based compliance.** Effective January 1, 1992, the commissioner may waive the requirements of subsection 3 for any building if the commissioner determines that the building's calculated annual energy consumption is not greater than the annual energy consumption of a similar building constructed in accordance with subsection 3.

The commissioner shall adopt rules that establish a performance-based compliance procedure for residential buildings before January 1, 1992.

**5. Violation.** A building owner who violates this section or rules adopted under this section commits a civil violation for which a forfeiture of not less than \$100 nor more than 5% of the value of construction must be adjudged.

**6. Notification.** An agency, municipality or granting authority that provides a housing subsidy as described in this section must notify the Department of Economic and Community Development, Energy Conservation Division that the application complies with the residential energy requirements of this section. Notification must be in a form prescribed by rule by the commissioner.

**Sec. 4. Application.** This Act applies to applications for public funds, guarantees or bond proceeds pursuant to this Act submitted on or after January 1, 1992.

**Sec. 5. Effective date.** This Act takes effect on January 1, 1992.

Effective January 1, 1992.

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## CHAPTER 276

### H.P. 307 - L.D. 437

#### An Act to Reclassify Spenser Stream

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

**38 MRSA §467, sub-§4, ¶D,** as repealed and replaced by PL 1989, c. 228, §2, is amended to read:

D. Dead River Drainage.

(1) Dead River, main stem.

(a) From the Long Falls Dam to a point 5,100 feet below the dam - Class A.

(b) From a point 5,100 feet below Long Falls Dam to its confluence with the Kennebec River - Class AA.

(2) Dead River, tributaries - Class A unless otherwise specified.

(a) Black Brook below Dead River Hatchery - Class B.

(b) Stratton Brook, Eustis, from the upper Route 16/27 bridge to its confluence with Flagstaff Lake - Class B.