

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

**THIRD SPECIAL SESSION**

October 1, 1992 to October 6, 1992

**FOURTH SPECIAL SESSION**

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

**FIRST REGULAR SESSION**

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 13, 1993

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  
1993

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

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

**of the**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**1993**

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- A. Dismissed the case under section 4612, subsection 2; or
- B. Failed, within 90 days after finding reasonable grounds to believe that unlawful discrimination occurred, to enter into a conciliation agreement to which the plaintiff was a party; or

Sec. 4. 5 MRSA §4622, sub-§1, ¶C is enacted to read:

C. Issued a right-to-sue letter under section 4612, subsection 6 and the action was brought by the aggrieved person not more than 2 years after the act of unlawful discrimination of which the complaint was made as provided in section 4613, subsection 2, paragraph C.

See title page for effective date.

**CHAPTER 328**

**H.P. 861 - L.D. 1170**

**An Act Regarding the Department of Environmental Protection Rulemaking**

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

Sec. 1. 38 MRSA §341-D, sub-§1, as amended by PL 1991, c. 804, Pt. A, §1, is further amended to read:

**1. Rulemaking.** Subject to the Maine Administrative Procedure Act, the board shall adopt, amend or repeal reasonable rules and emergency rules necessary for the interpretation, implementation and enforcement of any provision of law that the department is charged with administering. The board shall also adopt, amend and repeal rules as necessary for the conduct of its business.

~~If a comment is received during the hearing process on any rule proposed by the board regarding a specific provision in the rule that imposes a regulatory burden more stringent than the burden that would be imposed by the adoption of a federal minimum standard, the board shall respond to that comment in the basis statement of the adopted rule.~~

The department shall identify in its regulatory agenda, where feasible, a proposed rule or provision of a proposed rule that is anticipated to be more stringent than the federal standard, if an applicable federal standard exists.

During the consideration of any proposed rule by the board, where feasible, and using information available to it, the department shall identify provisions of the proposed rule that the department believes would impose a

regulatory burden more stringent than the burden imposed by the federal standard, if such a federal standard exists, and shall explain in a separate section of the basis statement the justification for the difference between the agency rule and the federal standard.

See title page for effective date.

**CHAPTER 329**

**S.P. 241 - L.D. 734**

**An Act to Ensure Compliance with Existing Energy Efficiency Building Standards**

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

Sec. 1. 10 MRSA §1415-H is enacted to read:

§1415-H. Certification of compliance

The following provisions apply to new construction of a commercial or institutional building, other than a building constructed or owned by a local unit of government, undertaken after the effective date of this section. For purposes of this section, the term "local unit of government" has the same meaning as the term used in the Constitution of Maine, Article IX, Section 21 and any implementing legislation.

**1. Certification.** Before installing permanent service to a commercial or institutional building, an electric utility, as defined in Title 35-A, section 102, shall obtain from the owner of the building or from the owner's legal agent, on a form provided by the utility, a signed certification that the building complies with the requirements of section 1415-D. A copy of the signed certification must be provided by the electric utility to the Department of Economic and Community Development, Energy Conservation Division or a successor agency charged with administering energy building standards.

**2. Form.** The Commissioner of Economic and Community Development shall develop a model certification form to be used by electric utilities under subsection 1.

**3. Fee.** An electric utility may charge a reasonable fee to cover its costs of processing certificates under this section.

**4. Penalties.** An electric utility that knowingly violates subsection 1 commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 must be adjudged. An owner of a building who falsely certifies that a building complies with the standards established under section 1415-D commits a civil violation for which a forfeiture of not less than \$100 and not more