

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST SPECIAL SESSION
August 21, 2003 to August 22, 2003

The General Effective Date For
First Special Session
Non-Emergency Laws Is
November 22, 2003

SECOND REGULAR SESSION
January 7, 2004 to January 30, 2004

The General Effective Date For
Second Regular Session
Non-Emergency Laws Is
April 30, 2004

SECOND SPECIAL SESSION
February 3, 2004 to April 30, 2004

The General Effective Date For
Second Special Session
Non-Emergency Laws Is
July 30, 2004

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

Penmor Lithographers
Lewiston, Maine
2004

B. Facility Siting Board, as established in section 12004-D, subsection 4;

C. State Poet Laureate Advisory Selection Committee, as established in section 12004-I, subsection 5-A; and

D. Board of Emergency Municipal Finance, as established in Title 30-A, section 6101.

Sec. 7. 20-A MRSA c. 329, as amended, is repealed.

Sec. 8. 36 MRSA §7104, as enacted by PL 1997, c. 411, §2, is amended to read:

§7104. Multistate Tax Compact Advisory Committee

The Multistate Tax Compact Advisory Committee is established and referred to in this chapter as the "committee." The committee is composed of the State Tax Assessor, an alternate designated by the assessor, the Attorney General or the Attorney General's designee, 2 members of the Senate appointed by the President of the Senate and 2 members of the House of Representatives appointed by the Speaker of the House. The assessor serves as the chair. The committee shall meet at the call of the chair or at the request of a majority of the members ~~and must meet at least 3 times each year.~~ The committee may consider matters relating to recommendations of the commission and the activities of the members in representing the State.

See title page for effective date.

CHAPTER 644

S.P. 791 - L.D. 1949

An Act Relating to Certain Energy Responsibilities of the Public Utilities Commission

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

Sec. 1. 5 MRSA §13063-B, sub-§1-A, as enacted by PL 2003, c. 2, Pt. L, §1, is repealed.

Sec. 2. 10 MRSA §1413, sub-§11, as amended by PL 1991, c. 824, Pt. A, §13, is repealed.

Sec. 3. 10 MRSA §1415-E, sub-§1, as amended by PL 1991, c. 824, Pt. A, §15, is further amended to read:

1. Administration. The Department of Economic and Community Development is responsible for the administration and enforcement of the standards

established in this chapter. In administering these standards, the Department of Economic and Community Development shall:

~~A. Work cooperatively with other state, regional and local agencies interested in or affected by these standards and may, by rules promulgated adopted 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. 4. 10 MRSA §1415-F, as amended by PL 1991, c. 824, Pt. C, §2, is repealed.

Sec. 5. 10 MRSA §1485, as amended by PL 1989, c. 501, Pt. DD, §§26 to 28, is repealed.

Sec. 6. 10 MRSA §1493, as amended by PL 1989, c. 501, Pt. DD, §30, is repealed.

Sec. 7. 32 MRSA cc. 87 and 88, as amended, are repealed.

Sec. 8. 35-A MRSA §1311-B, as enacted by PL 2001, c. 135, §1, is repealed.

Sec. 9. 35-A MRSA Pt. 8 is enacted to read:

PART 8

ENERGY EFFICIENCY

CHAPTER 95

ENERGY EFFICIENCY

§10001. Provision of public information

1. General. The commission shall provide to the public information about energy technologies and energy efficiency practices, including any state building energy standards and their implementation. In providing public information, the commission shall consider:

A. The aspects of energy technologies, energy efficiency practices and building energy standards and their implementation about which the public needs information;

B. The most effective means of providing the information; and

C. The members of the public who would most benefit from public information.

2. Specific programs. The commission shall examine and consider developing:

A. Instructional or informational manuals, including but not limited to a manual of accepted practices to assist builders of residential buildings to comply with any state building energy standards;

B. Fact sheets, including but not limited to fact sheets on insulation materials and the positive and negative effects that may result from their installation;

C. A training or certification program for persons who install, maintain or use energy technologies or who must comply with energy-related standards or practices required by statute; and

D. Any other means of providing information that will accomplish the purposes of this section.

3. Funding. The commission may seek federal funding for the purposes of this section and, to the extent necessary, may charge reasonable fees to cover the costs of training or other services provided pursuant to this section. All fees must be paid to the Treasurer of State and used to reimburse the commission for its expenses in providing the service for which the fee is charged.

§10002. Training for installers of solar equipment

1. Installation training. To the extent that funds and resources allow, the commission shall establish voluntary training programs for installers of solar equipment that most effectively meet the needs of the public. The commission:

A. May develop separate programs for different solar technologies or applications when the commission determines that the skills or training for the installation of those technologies or applications merit the distinction;

B. Shall confer with the Plumbers' Examining Board and the Electricians' Examining Board when it develops the course content and requirements;

C. Shall determine the content of the training, the hours required for course completion and the manner in which applicants must demonstrate proficiency in solar equipment installation;

D. Shall issue a certificate of completion to individuals who meet the requirements the commission has established;

E. May establish reasonable course fees. All fees must be paid to the Treasurer of State to be used by the commission for the purposes of this section;

F. Shall determine terms for the expiration and renewal of an applicant's certificate of completion; and

G. Shall determine an appropriate means of maintaining recognition of the training received by persons holding certificates issued pursuant to former Title 32, chapter 87.

2. Qualifications for installing solar equipment. A certificate of completion issued by the commission pursuant to subsection 1 does not exempt the holder from any applicable licensing requirements for activities involved in installing solar equipment, including but not limited to licensing requirements established in Title 32, chapter 17 or 49.

§10003. Training for energy auditors

1. Auditor training. To the extent that funds and resources allow, the commission shall establish voluntary training programs for energy auditors that most effectively meet the needs of the public. For the purpose of this subsection, an energy auditor is a person who is trained to prepare a report that delineates the energy consumption characteristics of a building, identifies appropriate energy efficiency operations and maintenance procedures and recommends appropriate energy efficiency measures. The commission:

A. May develop separate programs for audits of different building types and functions when the commission determines that the skills or training needed to perform these audits merit the distinction;

B. Shall determine the content of the training, the hours required for course completion and the manner in which applicants must demonstrate proficiency in energy auditing;

C. Shall issue a certificate of completion to individuals who meet the requirements the commission has established;

D. May establish reasonable course fees. All fees must be paid to the Treasurer of State to be used by the commission for the purposes of this section;

E. Shall determine terms for the expiration and renewal of an applicant's certificate of completion; and

F. Shall determine an appropriate means of maintaining recognition of the training received by persons holding a certificate issued pursuant to former Title 32, chapter 88.

§10004. Federal energy programs

1. Administration of programs. The commission shall administer:

A. The United States Department of Energy State Energy Program; and

B. Other federally funded programs related to functions that the commission performs.

§10005. Energy Conservation Small Business Revolving Loan Program; Energy Conservation Small Business Revolving Loan Fund

1. Program and fund. The commission shall implement the Energy Conservation Small Business Revolving Loan Program, referred to in this subsection as "the program," and the Energy Conservation Small Business Revolving Loan Fund, referred to in this subsection as "the fund." The fund consists of federal capitalization grants and awards made to the State for the purposes for which the fund is established; any amounts deposited by the commission into the fund from the conservation program fund established in section 3211-A, subsection 5; principal and interest received from the repayment of loans made from the fund and any interest earned on investment of fund balances; and any other funds from any public or private source received for use of any of the purposes for which the fund is established. The fund is a nonlapsing revolving fund account.

A. The commission shall credit all repayments of loans made to businesses, including interest, penalties and other fees and charges related to fund loans to the fund account.

B. Money in the fund not needed to meet the current obligations of the program must be deposited with the Treasurer of State to the credit of the fund account and may be invested in such manner as is provided by law. Interest received on that investment must be credited to the fund account.

C. At the end of each fiscal year, all unencumbered balances in the fund account may be

carried forward to be used for the purposes specified in this subsection.

See title page for effective date.

CHAPTER 645

S.P. 790 - L.D. 1948

An Act Relating to Energy-related Building Standards

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

Sec. 1. 10 MRSA §1415-C, sub-§1, as amended by PL 1991, c. 246, §7, is repealed.

Sec. 2. 10 MRSA §1415-C, sub-§1-A, as enacted by PL 1991, c. 246, §8, is repealed.

Sec. 3. 10 MRSA §1415-C, sub-§2, as enacted by PL 1987, c. 818, §4, is repealed.

Sec. 4. 10 MRSA §1415-C, sub-§3, as amended by PL 2003, c. 151, §4, is further amended to read:

3. Multifamily structures. Effective January 1, 2004, in addition to conforming to the requirements of this section, any new construction or renovation of a conditioned space in any residential building of more than 2 dwelling units must conform to ASHRAE Standard 62-2001 and ASHRAE Standard ~~90.1-2001~~ 90.1-2001. For the purposes of this subsection, compliance with the 2003 edition of the International Energy Conservation Code published by the International Code Council constitutes compliance with ASHRAE Standard 90.1-2001.

Sec. 5. 10 MRSA §1415-D, first ¶, as amended by PL 2003, c. 151, §5, is further amended to read:

Except as provided in this section, new construction or substantial renovation of any commercial or institutional building undertaken after January 1, 2004 must conform to ASHRAE Standard 62-2001 and ASHRAE Standard 90.1-2001 under any of the compliance methods specified in the standards. For the purpose of this section compliance with the 2003 edition of the International Energy Conservation Code published by the International Code Council constitutes compliance with ASHRAE Standard 90.1-2001. For the purpose of this section, "substantial renovation" means any renovation for which the cost exceeds 50% of the building's current value prior to renovation.