

# 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.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2004**

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.

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**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.

**Sec. 6. 35-A MRSA §121** is enacted to read:

**§121. Model code**

**1. Development; rules.** The commission shall adopt by rule a model building energy code, including a ventilation code, that is consistent with any other model building codes adopted by the State and with the building energy standards established in Title 10, section 1415-C, subsection 3 and section 1415-D. The commission shall ensure that the model code is not inconsistent with any other applicable state code or standard, including, but not limited to, any fire safety code, plumbing code, oil and solid fuel equipment standard, propane and natural gas equipment standard or boiler and pressure vessel standard.

Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

**2. Model code.** After the effective date of rules adopted pursuant to subsection 1, a municipality may not adopt a building energy code other than the model building energy code. Nothing in this section requires a municipality to adopt a building energy code. A municipality that has a building energy code in effect prior to the effective date of the rules may continue to keep that code, but if the municipality replaces its energy code it must adopt the model building energy code.

**Sec. 7. Commission investigation.** The Public Utilities Commission shall examine compliance and enforcement alternatives designed to ensure that residential and commercial buildings are constructed in conformance with statutory building energy codes. In particular, the commission shall examine the funding level and resources required for effective enforcement; possible sources of enforcement funding; which public or private entities could be charged with enforcement authority; the sanctions that could be imposed for violations; the effectiveness of different enforcement alternatives; and means by which energy code enforcement can be integrated with the enforcement of other building codes. In conducting its examination, the commission shall examine compliance and enforcement alternatives used in other states.

The commission shall report the results of its examination, together with any proposed legislation, to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by December 31, 2004. The commission's analysis must present the advantages and disadvantages of implementing the examined enforcement alternatives in this State.

**Sec. 8. Authority to report legislation.** The joint standing committee of the Legislature having jurisdiction over utilities and energy matters may

report out legislation to the First Regular Session of the 122nd Legislature concerning building energy codes, including but not limited to legislation concerning the application of the model building energy code adopted by rule by the Public Utilities Commission and the enforcement of state building energy standards.

**Sec. 9. Effective date.** Those sections of this Act that repeal the Maine Revised Statutes, Title 10, section 1415-C, subsections 1, 1-A and 2 take effect 90 days after the adjournment of the First Regular Session of the 122nd Legislature.

See title page for effective date, unless otherwise indicated.

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**CHAPTER 646**

**H.P. 1451 - L.D. 1951**

**An Act To Clarify the Administrative and Financial Relationship between the Maine Military Authority and the State of Maine**

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, it is necessary to clarify the status of the Maine Military Authority to ensure that it is eligible to compete for contracts offered by the Federal Government immediately; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 5 MRSA §931, sub-§1, ¶L-3,** as amended by PL 2001, c. 374, §2, is further amended to read:

L-3. The Executive Analyst of the Board of Environmental Protection; and

**Sec. 2. 5 MRSA §931, sub-§1, ¶L-4,** as enacted by PL 2001, c. 374, §3, is repealed.