

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

FIRST REGULAR SESSION
December 1, 2004 to March 30, 2005

FIRST SPECIAL SESSION
April 4, 2005 to June 18, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 17, 2005

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

Penmor Lithographers
Lewiston, Maine
2005

Whereas, the above-named major substantive rules have been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rules; 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

Sec. 1. Adoption. Resolved: That final adoption of Chapter 500: Stormwater Management and Chapter 502: Direct Watersheds of Lakes Most at Risk from New Development and Urban Impaired Streams, provisionally adopted major substantive rules of the Department of Environmental Protection that have been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized if the rules are modified as follows:

1. Chapter 500, section 4, subsection B, paragraph (2), subparagraph (a), division (ii) is amended to provide that one acre or more of impervious area, or 5 acres or more of developed area, in any lake watershed other than a watershed of a lake most at risk must meet the phosphorus standards, except that an applicant with a project that includes less than 3 acres of impervious area and less than 5 acres of developed area may choose to meet the BMP standards rather than the phosphorus standards if the lake is not severely blooming;

2. Chapter 500, section 4, subsection C, paragraph (1) is amended to limit the type of project modifications that need to meet the urban impaired stream standard to site location of development law modifications; and

3. Chapter 500, section 4, subsection C, paragraph (3), subparagraph (b) is amended to provide that for a project requiring a storm water management permit, redevelopment of an existing impervious area is not required to meet the urban impaired stream standard as long as the department makes the determinations specified in the proposed rule.

The Department of Environmental Protection is not required to hold hearings or conduct other formal proceedings prior to finally adopting these rules in accordance with this resolve.

Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.

Effective June 3, 2005.

CHAPTER 88

H.P. 1127 - L.D. 1591

Resolve, Regarding Legislative Review of Chapter 920: Maine Model Building Energy Code, a Major Substantive Rule of the Public Utilities Commission

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

Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

Sec. 1. Adoption. Resolved: That final adoption of Chapter 920: Maine Model Building Energy Code, a provisionally adopted major substantive rule of the Public Utilities Commission that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the following changes are made.

1. Residential buildings. The portion of the rule designated §4(A)(1) is amended to provide that subject to the adoption procedures established in section 6 of the rule, the standards applicable to residential construction are the IRC-2003 Chapter 11 or IECC-2003 energy standards and the ASHRAE 62.2-2003 ventilation standards.

2. Commercial buildings. That portion of the rule designated §4(A)(2) is amended to provide that

the standards applicable to commercial construction are the ASHRAE 90.1-2001, IBC-2003 Chapter 13 or IECC-2003 energy standards and the ASHRAE 62-2001 ventilation standards.

3. Industrial buildings. That portion of the rule designated §4(A)(3) is amended to provide that subject to the adoption procedures established in section 6 of the rule, the standards applicable to the portions of industrial buildings that are designed primarily for human occupancy other than manufacturing or production are the ASHRAE 90.1-2001, IBC-2003 Chapter 13 or IECC-2003 energy standards and the ASHRAE 62-2001 ventilation standards.

4. Modular housing exemption. That portion of the rule designated §4(A)(4) is replaced to provide that the Maine Model Building Energy Code is not applicable to modular housing.

5. Owner-built home exemption. That portion of the rule designated §4(B) is amended by adding a provision to specify that the Maine Model Building Energy Code is not applicable to a single-family residential building built by the owner for that person's residence. The language must specify that this exception does not include a single-family residential building built by persons other than the owner pursuant to a contract with the owner or under the supervision of a general contractor with whom the owner has a contract.

6. Log homes. That portion of the rule designated §4(B) is amended by adding a provision to specify that the Maine Model Building Energy Code does not apply to log homes.

7. Cross-reference to existing standards. That portion of the rule designated §5 is amended by adding at the end a provision specifying that nothing in the rule affects the application of the building standards established in the Maine Revised Statutes, Title 10, chapter 214.

8. Adoption of model code. That portion of the rule designated §6 is replaced to provide that adoption of the Maine Model Building Energy Code by a municipality is governed by the Maine Revised Statutes, Title 35-A, section 121.

The commission is not required to hold hearings or undertake further proceedings prior to final adoption of the rule in accordance with this section; and be it further

Sec. 2. Cost. Resolved: That the Public Utilities Commission shall absorb any costs associated with implementing the rules authorized under section 1.

Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.

Effective June 3, 2005.

CHAPTER 89

H.P. 1174 - L.D. 1665

Resolve, Regarding Legislative Review of Chapter 11: PBX/Multiline Telephone System (MLTS) Requirements, a Major Substantive Rule of the Public Utilities Commission

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

Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

Sec. 1. Adoption. Resolved: That final adoption of Chapter 11: PBX/Multiline Telephone System (MLTS) Requirements, a provisionally adopted major substantive rule of the Public Utilities Commission that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the rule is amended to add an application section specifying that, in accordance with Title 25, section 2934, subsection 1, no local unit of government is required to comply with any provision of the rule that would require that local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenues.

The Public Utilities Commission is not required to hold hearings or undertake further proceedings prior