

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

SECOND SPECIAL SESSION
September 29, 2021

SECOND REGULAR SESSION
January 5, 2022 to May 9, 2022

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 29, 2021

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 8, 2022

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

Augusta, Maine
2022

I. Approve methods of energy performance rating for use in generating any consumer information labels that may be required in the marketing and sale of residential and commercial buildings or units within buildings; ~~and~~

Sec. 2. 10 MRSA §9722, sub-§6, ¶O, as enacted by PL 2019, c. 392, §3, is amended to read:

O. No later than July 1, 2020, adopt, amend and maintain an appendix to the Maine Uniform Building and Energy Code as an optional part of the code that contains energy conservation and efficiency requirements that are based on established national voluntary efficiency standards that exceed the energy code requirements established in the Maine Uniform Building and Energy Code. As the code is updated, the board shall ensure that the energy conservation and efficiency requirements in the appendix continue to exceed the requirements established in the Maine Uniform Building and Energy Code. The appendix must be made available for voluntary adoption by any municipality. The board shall maintain a list of municipalities that have voluntarily adopted the appendix to the Maine Uniform Building and Energy Code on its publicly accessible website; ~~and~~

Sec. 3. 10 MRSA §9722, sub-§6, ¶P is enacted to read:

P. Ensure, through the adoption of necessary amendments, that the Maine Uniform Building and Energy Code expressly allows the installation and use of acceptable refrigeration or air conditioning products or equipment as defined in section 9724, subsection 7.

Sec. 4. 10 MRSA §9724, sub-§5, as amended by PL 2011, c. 582, §1, is further amended to read:

5. Exception. This Except as provided in subsection 7, this section does not prohibit the adoption or enforcement of an ordinance of any political subdivision that sets forth provisions for local enforcement of building codes. If such an ordinance does not provide for a process to appeal decisions made by building officials administering and enforcing the Maine Uniform Building Code, the Maine Uniform Energy Code or the Maine Uniform Building and Energy Code, an appeal may be taken in the same manner as provided under Title 30-A, section 4103, subsection 5. This section does not prohibit the adoption or enforcement of an ordinance of any political subdivision that sets forth the swimming pool fencing standards, without amendment, contained in Appendix G of the 2nd edition of the 2009 International Residential Code.

A. The requirements of the Maine Uniform Building and Energy Code do not apply to:

- (1) Log homes or manufactured housing as defined in chapter 951;

- (2) Post and beam or timber frame construction; or

- (3) Warehouses or silos used to store harvested crops.

Sec. 5. 10 MRSA §9724, sub-§7 is enacted to read:

7. Installation or use of certain refrigeration or air conditioning products or equipment. Notwithstanding subsection 5, paragraph A or any other provision of this chapter to the contrary, a municipality may not adopt or enforce any provision of a building code, including the Maine Uniform Building Code, the Maine Uniform Energy Code or the Maine Uniform Building and Energy Code, that prohibits the installation or use of acceptable refrigeration or air conditioning products or equipment.

As used in this subsection, "acceptable refrigeration or air conditioning products or equipment" means refrigeration or air conditioning products or equipment that:

A. Uses a refrigerant listed by the United States Environmental Protection Agency in regulations adopted pursuant to 42 United States Code, Section 7671k as acceptable, acceptable subject to use conditions or acceptable subject to narrowed use limits; and

B. Is installed in accordance with any applicable conditions or limitations imposed by the regulations described in paragraph A.

See title page for effective date.

CHAPTER 525

S.P. 718 - L.D. 2000

An Act To Update the Designation of Vietnam War Remembrance Day

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

Whereas, this legislation changes the date of commemoration for veterans of the Vietnam War from March 30th to March 29th; and

Whereas, this legislation needs to take effect before the expiration of the 90-day period so that it applies to this year's commemoration; 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. 1 MRSA §150-G, as enacted by PL 2011, c. 92, §1, is amended to read:

§150-G. Vietnam War ~~Remembrance~~ Veterans Day

In recognition of the service and sacrifice of those veterans of the United States Armed Forces who served during the Vietnam War, the State designates March ~~30th~~ 29th of each year as Vietnam War ~~Remembrance~~ Veterans Day. The Governor shall annually issue a proclamation urging the people of the State to observe the day with appropriate celebration and activity.

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

Effective March 29, 2022.

CHAPTER 526

S.P. 640 - L.D. 1813

An Act Related to Oversized All-terrain Vehicles

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

Whereas, this legislation must take effect before the expiration of the 90-day period in order to make, as soon as possible, an amendment to law enacted by Public Law 2021, chapter 215, which took effect on October 18, 2021; 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. 12 MRSA §13155, sub-§1-A, as amended by PL 2021, c. 215, §5, is further amended to read:

1-A. Operating unregistered ATV. Except as provided in paragraph A and subsection 5-B, a person may not operate an ATV that is not registered in accordance with subsection 3.

A. The following exceptions apply.

- (1) Registration is not required for an ATV operated on land that the ATV operator owns or leases, regardless of where that ATV operator is domiciled, as long as the ATV is not

operated elsewhere within the jurisdiction of the State.

- (2) Registration is not required for an ATV operated by a commercial ski area for the purpose of packing snow or for rescue operations on the commercial ski area, unless the ATV is required to cross a public way during that operation.

- (3) An ATV owned and operated in the State by the Federal Government, the State or a political subdivision of the State is exempt from registration fees but must be registered and is required to display registration numbers.

- (4) An ATV registration for the farm use specified in Title 29-A, section 501, subsection 8, paragraph E is not required for a vehicle registered with the Secretary of State under Title 29-A, section 501, subsection 8.

- (5) An ATV registered in another state or in a Canadian province may be operated without being registered pursuant to this section at a special event organized to occur in this State if the special event organizer submits a request in writing to the commissioner 60 days prior to the special event and provides the commissioner with a map of the trails to be used during the special event and the commissioner approves the request.

- (6) An ATV owned or under the control of an ATV manufacturer may be operated without a Maine registration at a demonstration event organized to occur in this State if such operation is approved by the commissioner. An ATV manufacturer or a representative of an ATV manufacturer must submit a request in writing to the commissioner at least 60 days prior to the demonstration event and shall include a description and the location of the event.

- (7) The commissioner may annually establish one 3-consecutive-day period, 2 days of which are weekend days, during which a nonresident may operate in the State an ATV that is not registered in this State if the nonresident's ATV has a valid registration from another state or a Canadian province.

B. The following penalties apply to violations of this subsection.

- (1) A person who violates this subsection commits a civil violation for which a fine of not less than \$200 nor more than \$500 may be adjudged.

- (2) A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part