

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Improve Home and Commercial Building Energy Efficiency**

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

**Sec. 1. 10 MRSA §1413, sub-§17** is enacted to read:

**17. Transmission and distribution utility.** "Transmission and distribution utility" has the same meaning as set forth in Title 35-A, section 10, subsection 20-A.

**Sec. 2. 10 MRSA §1415-C, sub-§3**, as amended by PL 2005, c. 350, §7 and affected by §16, is repealed.

**Sec. 3. 10 MRSA §1415-C, sub-§3-A** is enacted to read:

**3-A. Residential buildings.** Beginning January 1, 2008, any new construction or renovation of any residential building must conform to the model building energy code developed by the commission pursuant to Title 35-A, section 121.

**Sec. 4. 10 MRSA §1415-C, sub-§3-B** is enacted to read:

**3-B. Exemptions.** The requirements of subsection 3-A do not apply to:

A. Log homes;

B. Modular housing. For purposes of this paragraph, "modular housing" means the type of manufactured housing described in section 9002, subsection 7, paragraph B; or

C. Single-family owner-built residential buildings. For purposes of this paragraph, "owner-built residential building" means a residential building that is constructed by a person who will use the building as that person's residence. For purposes of this paragraph, a person who supervises the construction of a single-family residence or contracts with a person to supervise the construction of a single-family residence is not considered to have constructed the residence.

**Sec. 5. 10 MRSA §1415-C, sub-§4**, as amended by PL 2005, c. 350, §8 and affected by §16, is further amended to read:

**4. Waiver.** A waiver from subsection 33-A may be granted by the commission on a case-by-case basis for instances of renovation as defined by section 1413, subsection 15. In regards to the renovation of historic buildings, a waiver is granted when the Executive Director of the State Historic Preservation Commission determines that adherence to the energy building standards would result in irreparable damage to the historic character of a building on the National Register of Historic Places, eligible for nomination to the national register or designated as a historic building by a certified municipal historic preservation ordinance. In other instances, such as the rebuilding of a structure damaged by fire or a

historic preservation project when maintaining historic character is not an issue, the Public Utilities Commission may grant a waiver when it can be shown that the additional cost of meeting the energy building standards would make the building renovation economically infeasible.

**Sec. 6. 10 MRSA §1415-J** is enacted to read:

**§ 1415-J. Certificate of compliance**

**1. Certificate required.** Before installing permanent service to a residential or commercial building, a transmission and distribution utility shall obtain from the owner of the building or from the owner's legal agent, on a form provided by the utility, certification signed by the owner of the building or the owner's legal agent that the building complies with the requirements of this chapter. A copy of the signed certification must be provided by the transmission and distribution utility to the commission.

**2. Penalties.** A transmission and distribution utility that knowingly violates subsection 1 commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged. An owner of a building who falsely certifies that the building complies with the standards established under this chapter commits a civil violation for which a fine of not less than \$100 and not more than 5% of the value of the construction may be adjudged.

**3. Rules.** The commission shall adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 7. 35-A MRSA §121, sub-§1**, as enacted by PL 2003, c. 645, §6, is amended to read:

**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 33-A 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.

**Sec. 8. Effective date.** This Act takes effect January 1, 2008.

## SUMMARY

Currently, Maine law requires that all commercial new construction and renovation and multifamily residential construction must comply with the standards set forth in the Energy Efficiency Building Performance Standards Act.

This bill requires that any new construction or renovation of any residential building must conform to the model building energy code developed by the Public Utilities Commission pursuant to the Maine

Revised Statutes, Title 35-A, section 121. This bill also establishes an enforcement mechanism for ensuring compliance with the mandatory standards established for both residential and commercial construction.