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Legislative Document

No. 1795

H.P. 1336

House of Representatives, December 9, 2021

An Act To Update Statutory References to Building Code Standards for Public Improvements

Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 203.

Received by the Clerk of the House on December 7, 2021. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative BRYANT of Windham.

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

2 **Sec. 1. 5 MRSA §1742, sub-§6-A**, as amended by PL 2001, c. 607, §1, is further
3 amended to read:

4 **6-A. Building code.** To adopt for design purposes for all public improvements the
5 most recent version of one of the following published compilations of rules that has been
6 prepared by the International Code Council, the American Insurance Association, the
7 Building Officials and Code Administrators International, the International Conference of
8 Building Officials, the National Fire Protection Association or the Southern Building Code
9 Congress, except that, where an administrative unit has adopted one of the above codes,
10 that code must be used for the design of a school building in that administrative unit current
11 Maine Uniform Building and Energy Code pursuant to Title 10, section 9722.

12 ~~The bureau has discretion to determine which portions of the building codes used in this~~
13 ~~subsection are applicable to public improvement projects. This determination must be~~
14 ~~adopted by rule and applies to all public improvement projects covered by those codes.~~
15 ~~Rules adopted pursuant to this subsection are routine technical rules as defined in chapter~~
16 ~~375, subchapter H-A 2-A;~~

17 **Sec. 2. 5 MRSA §1742, sub-§24**, as amended by PL 2005, c. 634, §4, is further
18 amended to read:

19 **24. Application of minimum air ventilation standards.** Beginning September 1,
20 1988, to To apply ASHRAE Standard 62-1989 entitled, Ventilation for Acceptable Indoor
21 Air Quality, as prepared by the American Society of Heating, Refrigeration and Air
22 Conditioning Engineers, Inc. or more stringent standards Maine Uniform Building and
23 Energy Code ventilation standards to buildings occupied by state employees ~~during normal~~
24 ~~working hours.~~ These standards must be applied to buildings that are constructed or
25 substantially renovated by the State after September 1, 1988 and to buildings for which the
26 State enters into new leases or renews leases following the date in this subsection. For the
27 purpose of this subsection, "substantial renovation" means any renovation for which the
28 cost exceeds 50% of the buildings' value.

29 ~~A. The bureau, in cooperation with a labor-management committee established to look~~
30 ~~at this issue, shall develop a plan by which priorities are established for improving~~
31 ~~indoor air quality and ventilation standards in buildings occupied by state employees.~~
32 ~~This plan must include data gathering and analysis of air quality in a sample number~~
33 ~~of buildings by which reasonable projections and estimates concerning air quality can~~
34 ~~be established. The bureau shall report its findings to the joint standing committee of~~
35 ~~the Legislature having jurisdiction over state and local government no later than~~
36 ~~January 16, 1989. This report, at a minimum, must contain the following:~~

37 (1) ~~A description of the extent of the problem, if any, with respect to air quality~~
38 ~~and ventilation in buildings occupied by state employees;~~

39 (2) ~~Priorities of locations for which the improvement of air quality is necessary.~~
40 ~~These locations must be areas occupied by state employees during normal working~~
41 ~~hours;~~

42 (3) ~~A timetable by which these priorities could be addressed;~~

1 (4) A description of what may be necessary to address these priorities, including
2 feasible alternatives;

3 (5) The costs of addressing these priorities; and

4 (6) If possible, locations leased by the State that may not meet the air quality
5 standards defined in this subsection.

6 Nothing in this paragraph may be construed to require the bureau to conduct an in depth
7 analysis for each building or to present technical data for each building occupied by
8 state employees.

9 B. The indoor air quality and ventilation standards applied by the bureau remain in
10 effect until the Board of Occupational Safety and Health adopts air quality and
11 ventilation standards;

12 **Sec. 3. 5 MRSA §1762**, as amended by PL 1989, c. 501, Pt. DD, §1, is further
13 amended to read:

14 **§1762. No facility constructed without life-cycle costs**

15 No A public improvement, as defined in this chapter, public school facility or other
16 building or addition constructed or substantially renovated in whole or in part with public
17 funds or using public loan guarantees, with an area in excess of 5,000 square feet, may not
18 be constructed without having secured from the designer a ~~proper~~ an evaluation of life-
19 cycle costs, as computed by a qualified architect or engineer. The requirements of this
20 section with respect to substantial renovation ~~shall~~ may proceed only upon disclosing, for the
21 design chosen, the life-cycle costs as determined in section 1764 and the capitalization of
22 the initial construction costs of the facility or building. The life-cycle costs ~~shall~~ must be a
23 primary consideration in the selection of the design. As a minimum, the design ~~shall~~ must
24 meet the energy efficiency building performance standards ~~promulgated~~ adopted by the
25 Department of ~~Economic and Community Development~~ Public Safety in the Maine
26 Uniform Building and Energy Code as defined in Title 10, section 9721, subsection 2.
27

28 **Sec. 4. 5 MRSA §1764, sub-§1**, as amended by PL 1997, c. 541, §2, is further
29 amended to read:

30 **1. Bureau of General Services to adopt rules and procedures.** The Bureau of
31 General Services shall adopt rules, including energy conservation guidelines that conform
32 as a minimum to the energy efficiency building performance standards adopted by the
33 Department of ~~Economic and Community Development~~ Public Safety for conducting an
34 energy-related life-cycle costs analysis of alternative architectural or engineering designs,
35 or both, and shall evaluate the efficiency of energy utilization for designs in the
36 construction and lease of public improvements and public school facilities. ~~Any rules~~
37 ~~adopted take effect 90 days after the enactment of this subchapter.~~

38 **Sec. 5. 26 MRSA §565-A**, as amended by PL 2011, c. 691, Pt. B, §25, is further
39 amended to read:

40 **§565-A. Air quality and ventilation; evaluation of buildings; standards**

41 **1. ~~Advise and propose standards~~ Evaluation of indoor air quality.** The board shall
42 work with the Bureau of General Services with respect to evaluation of indoor air quality

1 and ventilation in public school buildings and buildings occupied by state employees and
2 the preparation of the report pursuant to Title 5, section 1742, subsection 24, paragraph A.

3 ~~A. The board may advise the Bureau of General Services and propose for consideration~~
4 ~~by the bureau air quality and ventilation standards that are more stringent than the~~
5 ~~minimum standards as defined in Title 5, section 1742, subsection 24.~~

6 SUMMARY

7 This bill:

8 1. Eliminates references to building codes that are no longer in effect or have been
9 superseded by the Maine Uniform Building and Energy Code;

10 2. Applies the current Maine Uniform Building and Energy Code ventilation standards
11 to buildings occupied by state employees; and

12 3. Updates references in regard to the Maine Uniform Building and Energy Code from
13 the Department of Economic and Community Development to the Department of Public
14 Safety.