

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND TWENTY-TWO

—  
H.P. 1336 - L.D. 1795

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

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

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

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

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

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

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

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

- ~~(1) A description of the extent of the problem, if any, with respect to air quality and ventilation in buildings occupied by state employees;~~
- ~~(2) Priorities of locations for which the improvement of air quality is necessary. These locations must be areas occupied by state employees during normal working hours;~~
- ~~(3) A timetable by which these priorities could be addressed;~~
- ~~(4) A description of what may be necessary to address these priorities, including feasible alternatives;~~
- ~~(5) The costs of addressing these priorities; and~~
- ~~(6) If possible, locations leased by the State that may not meet the air quality standards defined in this subsection.~~

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

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

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

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

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

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

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

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

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

**1. ~~Advise and propose standards~~ Evaluation of indoor air quality.** The board shall work with the Bureau of General Services with respect to evaluation of indoor air quality and ventilation in public school buildings and buildings occupied by state employees ~~and the preparation of the report pursuant to Title 5, section 1742, subsection 24, paragraph A.~~

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