



130th MAINE LEGISLATURE

SECOND REGULAR SESSION-2022

Legislative Document

No. 1940

S.P. 680

In Senate, January 26, 2022

**An Act To Ensure That Building Codes Allow the Installation and
Use of Products and Equipment That Use Certain Federally
Regulated Refrigerants**

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator TIMBERLAKE of Androscoggin.
Cosponsored by Representative HANLEY of Pittston and
Senator: BENNETT of Oxford, Representative: GREENWOOD of Wales.

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

2 **Sec. 1. 10 MRSA §9722, sub-§6, ¶I**, as amended by PL 2021, c. 293, Pt. A, §18,
3 is further amended to read:

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

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

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

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

21 P. Ensure, through the adoption of necessary amendments, that the Maine Uniform
22 Building and Energy Code expressly allows the installation or use of a product or
23 equipment the end use of which is regulated pursuant to Title 38, section 1615 and that:

24 (1) Uses a refrigerant that is listed by the United States Environmental Protection
25 Agency in regulations adopted pursuant to 42 United States Code, Section 7671k
26 as acceptable, acceptable subject to use conditions or acceptable subject to
27 narrowed use limits; and

28 (2) Is installed in accordance with any applicable conditions or limitations
29 imposed by those regulations.

30 As used in this paragraph, “end use” has the same meaning as in Title 38, section 1615,
31 subsection 1, paragraph I; “refrigerant” has the same meaning as in Title 38, section
32 1615, subsection 1, paragraph Y; and “use” has the same meaning as in Title 38, section
33 1615, subsection 1, paragraph TT.

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

36 **5. Exception.** ~~This~~ Except as provided in subsection 7, this section does not prohibit
37 the adoption or enforcement of an ordinance of any political subdivision that sets forth
38 provisions for local enforcement of building codes. If such an ordinance does not provide
39 for a process to appeal decisions made by building officials administering and enforcing
40 the Maine Uniform Building Code, the Maine Uniform Energy Code or the Maine Uniform
41 Building and Energy Code, an appeal may be taken in the same manner as provided under
42 Title 30-A, section 4103, subsection 5. This section does not prohibit the adoption or

1 enforcement of an ordinance of any political subdivision that sets forth the swimming pool
2 fencing standards, without amendment, contained in Appendix G of the 2nd edition of the
3 2009 International Residential Code.

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

- 6 (1) Log homes or manufactured housing as defined in chapter 951;
- 7 (2) Post and beam or timber frame construction; or
- 8 (3) Warehouses or silos used to store harvested crops.

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

10 **7. Installation or use of certain products or equipment using certain refrigerants.**
11 Notwithstanding subsection 5, paragraph A or any other provision of this chapter to the
12 contrary, a municipality may not adopt or enforce any provision of a building code,
13 including the Maine Uniform Building Code, the Maine Uniform Energy Code or the
14 Maine Uniform Building and Energy Code, that prohibits the installation or use of a product
15 or equipment the end use of which is regulated pursuant to Title 38, section 1615 and that
16 uses a refrigerant listed by the United States Environmental Protection Agency in
17 regulations adopted pursuant to 42 United States Code, Section 7671k as acceptable,
18 acceptable subject to use conditions or acceptable subject to narrowed use limits and that
19 is installed in accordance with any applicable conditions or limitations imposed by those
20 regulations.

21 As used in this subsection, “end use” has the same meaning as in Title 38, section 1615,
22 subsection 1, paragraph I; “refrigerant” has the same meaning as in Title 38, section 1615,
23 subsection 1, paragraph Y; and “use” has the same meaning as in Title 38, section 1615,
24 subsection 1, paragraph TT.

25 **Sec. 6. 38 MRSA §1613**, as enacted by PL 2021, c. 192, §1 and reallocated by RR
26 2021, c. 1, Pt. A, §53, is reallocated to 38 MRSA §1615.

27 SUMMARY

28 This bill amends the law regarding building codes to ensure that building codes,
29 including the Maine Uniform Building and Energy Code, may not prohibit the installation
30 or use of any product or equipment regulated under the State’s hydrofluorocarbon use
31 restrictions law that uses a refrigerant listed by the United States Environmental Protection
32 Agency in regulations adopted pursuant to the federal Clean Air Act as acceptable,
33 acceptable subject to use conditions or acceptable subject to narrowed use limits and is
34 installed in accordance with any applicable conditions or limitations imposed by those
35 regulations. The bill also corrects a numbering problem created by Public Law 2021,
36 chapter 433 and Revisor's Report 2021, chapter 1 by reallocating to the Maine Revised
37 Statutes, Title 38, section 1615 the version of Title 38, section 1613 that was reallocated in
38 Revisor's Report 2021, chapter 1.