

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1718

H. P. 1733 Office of the Clerk of the House
Submitted by the Department of Public Safety pursuant to Joint
Rule 24. Reference to the Committee on Legal Affairs suggested and
1,400 ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative Beaulieu of Portland.
Cosponsor: Representative Theriault of Fort Kent.
Representative Drinkwater of Belfast.
Representative Gillis of Calais.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-TWO

AN ACT to Regulate the Materials, Construction
and Installation of Chimneys, Fireplaces, Vents
and Solid Fuels Burning Appliances.

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

25 MRSA §2465 is enacted to read:

§2465 Adoption of regulations

1. Adoption of rules. The Commissioner of Public
Safety shall, in accordance with the Maine Administrative
Procedure Act, Title 5, chapter 375, adopt by reference the
Rules and Regulations as found in the then current edition

1 of the National Fire Protection Association Code #211, "The
2 Standards for Chimneys, Fireplaces, Vents and Solid Fuel
3 Burning Appliances".

4 2. Prohibitions. No person may, for compensation,
5 construct or install any chimney, fireplace, vent or solid
6 fuel burning appliance unless so constructed or installed in
7 accordance with the provisions of the National Fire Protec-
8 tion Association Code #211, "The Standards for Chimneys,
9 Fireplaces, Vents and Solid Fuel Burning Appliances".

10 3. Enforcement. The Fire Marshal or his designees,
11 Safety Compliance Officers of the Oil and Solid Fuel Board,
12 duly appointed fire chiefs or their designees, and municipal
13 building inspectors and code enforcement officers may
14 enforce the requirements of "The Standards for Chimneys,
15 Fireplaces, Vents and Solid Fuel Burning Appliances".

16 4. Instruction manual; authorized publication. No
17 factory-built fireplace, fireplace stove or solid fuel burn-
18 ing room heater may be sold in retail trade unless the
19 seller provides the buyer, on or before the sale, with an
20 instruction manual and an authorized publication of the
21 Office of State Fire Marshal and the Office of Energy
22 Resources containing recommended clearances the same as
23 those prescribed in the then current edition of the National
24 Fire Protection Association Code #211, "The Standards for
25 Chimneys, Fireplaces, Vents and Solid Fuel Burn-
26 ings Appliances".

27 Any person who fails to provide the purchaser with an
28 instruction manual and authorized publication of the Office
29 of State Fire Marshal and the Office of Energy Resources,
30 commits a civil violation for which a forfeiture of not less
31 than \$200 nor more than \$500 for the first offense and not
32 less than \$500 nor more than \$800 for each subsequent
33 offense shall be adjudged. In addition to the civil penalty
34 provided in this section, any violation of this chapter con-
35 stitutes a violation of Title 5, chapter 10.

36 5. Prior installation. Any chimney, fireplace, vent
37 or solid fuel burning appliance constructed or installed
38 prior to the effective date of this section may be continued
39 in use provided it does not constitute a clear and present
40 hazard to life or property.

41 6. Home rule. Any municipality may adopt as ordinance
42 requirements for the materials, installation or construction
43 of chimneys, fireplaces, vents or solid fuel burning appli-

1 ances which exceed the requirements of "The Standards for
2 Chimneys, Fireplaces, Vents and Solid Fuel Burning Appli-
3 ances".

4 7. Solid fuel burning stoves and heaters. All solid
5 fuel burning stoves and heaters sold in this State after
6 January 1, 1984, shall be listed for their intended use by
7 any testing laboratory approved by the Oil and Solid Fuel
8 Board.

9 8. Penalty. Any person who, for compensation, con-
10 structs or installs chimneys, fireplaces, vents or solid
11 fuel burning appliances in violation of the standards, and
12 permits such violation to remain uncorrected after 30 days'
13 notice from any official empowered to enforce this section,
14 shall be considered guilty of a civil violation and shall be
15 subject to a forfeiture of not more than \$500 for each
16 violation. The court may waive any penalty or cost against
17 any violator upon satisfactory proof that the violation was
18 corrected within 30 days of the issuance of a complaint.

19 STATEMENT OF FACT

20 The principle problem arising from the use of
21 radiant-heating woodstoves has been their improper installa-
22 tion. This bill requires that all new installations of
23 chimneys, fireplaces, vents or solid fuel burning appliances
24 must be done in accordance with the National Fire Protection
25 Association Code #211. These requirements may be enforced
26 by the State Fire Marshal, local fire chiefs, municipal
27 building inspectors and code enforcement officers. Anyone
28 who, for compensation, makes an installation in violation of
29 the standards is subject to a maximum \$500 fine, although
30 the fine may be waived by the court if the violation is cor-
31 rected in 30 days. Prior installations may be continued in
32 use as long as they are not a clear and present hazard to
33 life or property.

34 In addition, this bill requires that purchasers be
35 informed of the proper manner of installation of each stove.
36 In the event that the manufacturer did not provide the
37 instructions, a publication of the Office of State Fire Mar-
38 shal and Office of Energy Resources, which is also in print,
39 could be substituted.

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