

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE
AT THE

SECOND REGULAR SESSION

January 4, 1978 to April 6, 1978

FIRST SPECIAL SESSION

(No laws enacted)

September 6, 1978 to September 15, 1978

SECOND SPECIAL SESSION

October 18, 1978

THIRD SPECIAL SESSION

December 6, 1978

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

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1979

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND EIGHTH LEGISLATURE
January 4, 1978 to April 6, 1978

CHAPTER 638

AN ACT to Authorize the Supreme Judicial Court to Establish by Rule a Committee on Judicial Responsibility and Disability.

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

4 MRSA § 9-B is enacted to read:

§ 9-B. Committee on judicial responsibility and disability

The Supreme Judicial Court shall have the power and authority to prescribe, repeal, add to, amend or modify rules relating to a committee to receive complaints, make investigations and make recommendations to the Supreme Judicial Court in regard to discipline, disability, retirement or removal of justices of the Supreme Judicial Court and the Superior Court and judges of the District Court, the probate courts and the Administrative Court.

Effective July 6, 1978

CHAPTER 639

AN ACT to Establish Standards to Protect Maine Consumers Against Unsafe and Improperly Manufactured Cellulose Fiber Insulation.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Legislature finds that existing federal, state and local laws and regulations are insufficient to protect the consumer from improperly manufactured insulation; and

Whereas, it further finds that an unreasonable quantity of insulation is now being distributed which does not meet minimum safety standards; and

Whereas, a need exists for the expedited setting of mandatory state standards for the manufacture of insulation; and

Whereas, the most urgent need is for standards to reduce the risk to consumers from flammable and corrosive cellulose insulation; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 25 MRSA § 2447-A, is enacted to read:

§ 2447-A. Cellulose fiber insulation standards

1. **Prohibition.** No individual, partnership or corporation shall sell or offer for sale in this State, in person, by mail or otherwise, any type of cellulose fiber insulation unless that product is either:

A. Certified by a nationally recognized testing laboratory as meeting ASTM E-84, Class I requirements; or

B. Certified by the Department of Industrial Cooperation, University of Maine, as meeting requirements comparable to ASTM E-84, Class I requirements.

No individual, partnership or corporation shall sell or offer for sale in this State, in person, by mail or otherwise any cellulose fiber insulation which does not conform to any rule established by the State Fire Marshal under subsection 2.

The Department of Industrial Cooperation of the University of Maine shall not be liable as a result of any damage or injury caused by or arising out of the installation or use of insulation certified by the department.

2. **Rules.** The State Fire Marshal shall, in accordance with the Maine Administrative Procedure Act, establish rules setting forth standards for cellulose fibre insulation which may be sold in this State. These rules shall be no less stringent than current federal specifications for Insulation Thermal: Cellulosic or Wood Fibre, and may exceed the federal standards if, in the judgment of the State Fire Marshal, the action is deemed necessary to protect the health and safety of the public. The State Fire Marshal may incorporate in those rules provisions for testing procedures different from those established by federal specifications where, in his judgment, these federal tests cannot conveniently be conducted in Maine or are not appropriate for Maine use.

3. **Penalty.** Any violation of this section shall be a Class E crime.

Sec. 2. **Transition.** Notwithstanding the provisions of Title 25, section 2447-A, any cellulose fiber insulation sold or offered for sale within a 45-day period following the effective date of this Act may be exempt from any labeling requirements provided under this Act.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.