

MAINE STATE LEGISLATURE

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DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333

July 15, 1980

Honorable Bruce Roope
7 Conley Street
Presque Isle, Maine 04769

Dear Representative Roope:

You have inquired whether or not 25 M.R.S.A. § 2447-B prohibits the use of urethane insulation in potato storage houses. In our opinion, it does not.

The omnibus provision of § 2447-B.1 reads as follows:

"Prohibition. No individual, partnership or corporation shall install in this State any type of foam plastic insulation unless that product complies with and is installed in accordance with the following requirements."^{1/}

The balance of subsection 1 lists those requirements. Paragraph A contains general standards of fire resistance for the product and its installation. Subparagraphs (1) through (8) make exceptions to product standards or to both product and insulation standards when the insulation is used in the specific applications described therein. Subsection 2 provides a mechanism for the State Fire Marshal to make additional exceptions to the general standards contained in § 2477-B.1A.

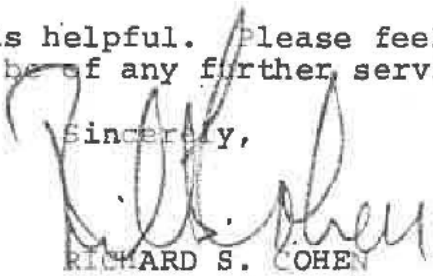
^{1/} The statute does not define the term "foam plastic insulation." However, we are advised by Barbara Niznick of Urethane Installations, Inc. (Brewer, Maine) that the foam plastics category of insulating materials includes urethane boardstock, urethane spray, all forms of expanded polystyrene (i.e., expanded and extruded boardstock) and urea formaldehyde.

With but one exception not relevant to your inquiry,^{2/} the statutory standards for the lawful use of foam plastic insulation are not based on the type of building involved or the contemplated usage. Rather, as confirmed by the Statements of Purpose appended to L.D. 779 and to Committee Amendment H-198,^{3/} the legislative intent underlying § 2447-B was to enact fire safety standards for the safe installation of foam plastic insulation which would apply to all buildings.

In short, potato storage houses are treated in the same manner as other structures. Thus, urethane foam insulation may be installed in potato storage houses provided that the applicable product and installation standards are met.

I hope this information is helpful. Please feel free to contact this office if we can be of any further service.

Sincerely,


RICHARD S. COHEN
Attorney General

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- ^{2/} Subparagraph (3) specifically regulates installation in free-standing walk-in freezer units or coolers less than 400 square feet in floor area.
- ^{3/} L.D. 779, as amended by Committee Amendment H-198, was passed as P.L. 1979, c. 167, and codified as 25 M.R.S.A. § 2447-B.