

MAINE STATE LEGISLATURE

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(EMERGENCY)
SECOND REGULAR SESSION

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 2079

H. P. 1998

House of Representatives, January 16, 1978

On motion of Mr. Davies. Referred to the Committee on Energy. Sent up for concurrence. Approved for introduction by the Legislative Council pursuant to Joint Rule 24.

EDWIN H. PERT, Clerk

Presented by Mrs. Huber of Falmouth.

Cosponsors: Mr. Jalbert of Lewiston, Mr. Howe of South Portland, and Mr. Perkins of Blue Hill.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-EIGHT

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 unreasonably 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 judgement 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:

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.

2. Rules. The State Fire Marshal shall, in accordance with the Maine Administrative Procedures Code, establish rules setting forth standards for cellulose fiber insulation which may be sold in this State. These rules shall incorporate applicable manufacturing and labeling standards and requirements set out in General Services Administration, Federal Specification HH-I-515C, "3. Requirements," and all subsequent federal regulations or enactments intended to modify or supersede those standards and requirements. The State Fire Marshal, may, however, incorporate in those rules provisions for testing procedures different from those set out in General Services Administration, Federal Specification HH-I-515C, "3. Requirements," 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.

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

STATEMENT OF FACT

The purpose of this bill is to require that cellulose fiber insulation sold in Maine meets minimum fire resistant, corrosion resistant and thermal resistant requirements necessary to protect the health and safety of the purchaser.