

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

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ONE HUNDRED AND TENTH LEGISLATURE

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**Legislative Document**

**No. 1200**

H. P. 1000

House of Representatives, March 10, 1981

Referred to the Committee on Business Legislation. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Beaulieu of Portland.

Cosponsor: Representative Theriault of Fort Kent.

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STATE OF MAINE

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

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**AN ACT to Require Minimum Safety Requirements in the Construction and Installation of Heating Apparatus.**

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

25 MRS A § 2464 is enacted to read:

§ 2464. License; chimneys and stoves

1. Activity covered. This section applies to any person who proposes to construct, install or repair, for hire, any of the following:

- A. A chimney;
- B. A fireplace;
- C. A wood or coal-burning stove;
- D. A wood or coal-burning fireplace insert;
- E. Any stove designed exclusively for heating and cooking; and
- F. Any appurtenance to any item listed in paragraphs A to E.

2. License required. Any person subject to this section, before commencing the activity, shall apply for a license from:

**A. The local fire inspector, if the municipality where the activity will be conducted has adopted an ordinance or code concerning the activity; or**

**B. The State Fire Marshal, in all other cases.**

**3. Examination. Before issuing a license under subsection 2, the State Fire Marshal, or the local fire inspector, as the case may be, shall require the license applicant to take an examination designed to test the applicant's level of competency and knowledge of any applicable law, code or ordinance. The license may not be issued unless the applicant demonstrates a satisfactory level of competency and knowledge.**

**4. Wood stoves. When the proposed activity concerns wood stoves, if the State Fire Marshal is required to conduct an examination under this section, he shall use the standards adopted under Title 5, section 5005.**

**5. Waiver. A person proposing to conduct an activity listed in subsection 1 in any particular municipality is not required to be licensed and examined:**

**A. By the State Fire Marshal, if within the previous year he has been licensed and examined by the State Fire Marshal for the proposal activity and no applicable law or code has been changed; or**

**B. By the local fire inspector, if the municipality has adopted an applicable code or ordinance, the person has been licensed and examined by the local inspector within the previous year for the proposed activity and the applicable code or ordinance has not been changed.**

**6. Penalty. Any person who violates this section is subject to a civil penalty of not less than \$1,000, payable to any person sustaining damages or injury because of a failure to comply with an applicable code, law or ordinance or to the State if no person exists, to be recovered in a civil action.**

#### STATEMENT OF FACT

This bill requires a license and examination for any person constructing an chimney or fireplace or installing a wood or coal stove or any appurtenance. The examination would be based on any applicable state or local code, law or ordinance and would be conducted by the State Fire Marshal or the local fire inspector, as the case may be.