

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-452)
110TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1409, L.D. 1573, Bill, "AN ACT to Require Fire Detectors in All Multiapartment Dwellings and New Single-family Residences."

Amend the Bill in the Title by striking out the word "Fire" and inserting in its place the word 'Smoke'

Further amend the Bill by striking out everything after the enacting clause and inserting in its place the following:

'Sec. 1. 25 MRSA §2464 is enacted to read:

§2464. Smoke detectors

1. Definition. "Smoke detector" means any device which, when activated by the presence of smoke, provides an audible alarm suitable to warn the occupants within the individual dwelling unit in which it is attached, which has been approved for use in this State by the State Fire Marshal.

2. Smoke detectors required. The owner shall install, or cause to be installed, not less than one approved smoke detector upon or near the ceiling in areas within, or giving access to, bedrooms in:

A. Any single-family dwelling, the construction of which is completed after the effective date of this section; and

B. Each apartment in any building of multifamily occupancy, other than any occupied by the owner of the building.

3. Multiapartment buildings. In multiapartment buildings more than 3 stories in height, approved smoke detectors shall also be installed in each closed corridor and closed hallway on each floor.

4. Regulations. The State Fire Marshal is authorized and directed to promulgate by regulation criteria for approval and a list of approved smoke detectors.

5. Penalties. Whoever violates this section is guilty of a civil infraction and shall be subject to a forfeiture of not more than \$500 for each violation. The court may waive any penalty or cost against any violator upon satisfactory proof that the violation was corrected within 10 days of the issuance of a complaint.

6. Liability. Nothing in this section gives rise to any action against an owner required to comply with
← subsection 2, paragraph B, if the owner has conducted an inspection of the required smoke detectors immediately after installation and has reinspected the smoke detectors prior to occupancy by each new tenant, unless the owner has been given at least 24-hours' actual notice of a defect or failure of the smoke detector to operate properly and has failed to take action to correct the defect or failure.

Sec. 2. Effective date. The Revised Statutes, Title 25, section 2464, subsections 2, 3, 5 and 6, as enacted by section 1 of this Act, shall become effective on January 1, 1982.

Sec. 3. Transition. The State Fire Marshal shall promulgate an initial set of regulations as required by the Revised Statutes, Title 25, section 2464, subsection 4, no later than October 31, 1981.

Fiscal Note

The Department of Public Safety estimates that this bill will cost \$3,000 to the Dedicated Revenue Account, Office of the State Fire Marshal. These costs are for mailing and publication costs relating to promulgating rules and informing the public. With regard to enforcement of the proposed legislation, the Office of the State Fire Marshal will utilize existing resources within available manpower.'

Statement of Fact

This amendment changes the term "fire detector" to "smoke detector." This amendment also removes the unnecessary words "of record" from subsection 2 and deletes the requirement for smoke detectors in single-family dwellings undergoing ^{over} \$3,000 of improvements or additions. It also modifies the requirement for multiapartment buildings by requiring ^{smoke detectors} / only in closed corridors and closed hallways.

This amendment also adds a provision covering the liability of landlords and adds a fiscal note.

Reported by the Majority of the Committee on Judiciary.
Reproduced and distributed under the direction of the Clerk
of the House.

5/20/81

(Filing No. H-452)