

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 869

6
7 H.P. 599 House of Representatives, February 28, 1985
8 On Motion of Representative Reeves of Pittston, referred to the
9 Committee on Legal Affairs. Sent up for concurrence and ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Beaulieu of Portland.

11 Cosponsored by Representative Hayden of Durham, Senator Gauvreau of
Androscoggin and Senator Bustin of Kennebec.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE
16

17 AN ACT to Require the Implementation of
18 Toxicity Standards of Flammability for
19 Commonly Used Building and
20 Construction Materials.
21

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

24 25 MRSA c. 323 is enacted to read:

25 CHAPTER 323

26 COMBUSTION TOXICITY TESTING

27 §2551. Definitions

28 As used in the chapter, unless the context indi-
29 cates otherwise, the following terms have the follow-
30 ing meanings.

31 1. Building. "Building" means a structure whol-
32 ly or partially enclosed within exterior walls, or

1 within exterior and party walls, covered with a roof,
2 which is intended to be occupied by 50 or more per-
3 sons, and which is constructed on, or after, the ef-
4 fective date of this chapter.

5 2. Combustion toxicity indicator. "Combustion
6 toxicity indicator" means the measurement of the re-
7 lative combustion toxicity of a product as determined
8 by tests conducted pursuant to this chapter in con-
9 formity with a toxicity test method recognized and
10 prescribed by the State Fire Marshal for that pur-
11 pose.

12 3. Embedment. "Embedment" means any product
13 which is used as a pipe, wire, cable, conduit or duct
14 in or as part of a building.

15 4. Interior finish products. "Interior finish
16 products" means those products that form the exposed
17 interior surfaces of a building and that are part of
18 or affixed to walls, floors, fixed or folding parti-
19 tions, ceilings and other construction elements.

20 5. Interior trim products. "Interior trim
21 products" means those products around openings in a
22 wall or ceiling of a building, generally not exceed-
23 ing 12 inches in width, including casings, aprons,
24 baseboards, chair rails, picture molds, cornice
25 moldings and moldings applied for decoration.

26 6. Structural member. "Structural member" means
27 any product which is used as a column, girder, truss,
28 beam or lintel in or as part of a building.

29 7. Toxicity test method. "Toxicity test method"
30 means a test procedure which is recognized and pre-
31 scribed by the State Fire Marshal as an authoritative
32 means of measuring the relative toxicity of smoke and
33 gases given off by a product when exposed to fire or
34 thermal decomposition. A toxicity test method shall
35 substantially meet the following criteria.

36 A. The combustion system shall be capable of be-
37 ing heated to a temperature range of more than
38 one fixed temperature.

1 B. The exposure system shall be capable of mea-
2 suring a broad range of decomposition products.

3 C. Such method shall be capable of measuring the
4 lethality of a product and the time it takes to
5 reach lethality.

6 D. The test results shall be capable of being
7 reproduced in independent laboratories.

8 §2552. Combustion toxicity testing

9 1. Test required; report. No product which is
10 an interior finish product, an interior trim product,
11 an embedment or a structural member may be used in,
12 or as part of, a building located in the State, un-
13 less the manufacturer, producer or fabricator of the
14 product shall:

15 A. Cause the product to be tested in accordance
16 with a toxicity test method; and

17 B. File a test report which shall include the
18 combustion toxicity indicator pursuant to rules
19 prescribed by the State Fire Marshal.

20 Such testing shall be conducted by an independent
21 testing service or laboratory certified as acceptable
22 by the fire administrator. No test report may be ac-
23 cepted for filing under this section unless it is ac-
24 companied by a certification of the independent test-
25 ing service or laboratory whose tests have been con-
26 ducted in full compliance with the toxicity test
27 method prescribed by the State Fire Marshal.

28 2. Testing by independent testing services or
29 certified laboratories. All combustion toxicity
30 testing pursuant to this chapter shall be conducted
31 by independent testing services or laboratories cer-
32 tified and approved by the State Fire Marshal. The
33 State Fire Marshal shall adopt appropriate certifica-
34 tion procedures to assure that the testing services
35 or laboratories have sufficient equipment, expertise
36 and quality control procedures to produce reliable
37 test results conforming to the toxicity test method
38 prescribed by the State Fire Marshal. The State Fire
39 Marshal shall periodically monitor test results and

1 quality control procedures, to assure that each cer-
2 tified testing service or laboratory produces reli-
3 able and consistent test reports.

4 §2553. Toxicity data bank

5 1. Data bank maintained. The State Fire Marshal
6 shall compile all test reports filed in accordance
7 with this chapter. The information generated by
8 those test reports and the compilation of the results
9 shall be maintained in a data bank by the State Fire
10 Marshal and shall be open to public inspection.

11 2. Availability and distribution of information.
12 The State Fire Marshal shall periodically publicize
13 the availability of the toxicity information in the
14 data bank in trade and other journals directed to the
15 construction industry, architects, building and inter-
16 ior designers and other persons who the State Fire
17 Marshal has reason to believe will have an interest
18 in this information. The State Fire Marshal shall
19 annually compile all test reports in a publication
20 and shall annually distribute the publication to fire
21 chiefs, electrical inspectors, plumbing inspectors,
22 building officials and other appropriate authorities.

23 §2554. Cost and fees

24 1. Manufacturer, producer or fabricator to bear
25 testing costs. All costs of combustion toxicity test-
26 ing and of the transmittal of the data generated by
27 the testing shall be borne by the manufacturer, pro-
28 ducer or fabricator of the product.

29 2. Administrative charges. The State Fire Mar-
30 shal may charge such fees as are necessary to defray
31 the cost of performing the administrative duties re-
32 quired by this chapter.

33 §2555. Powers of State Fire Marshal

34 The State Fire Marshal may promulgate rules to
35 carry out this chapter in accordance with the Maine
36 Administrative Procedure Act, Title 5, chapter 375.

37 §2556. Enforcement provision

