

# MAINE STATE LEGISLATURE

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Date: 4/28/9

L.D. 53  
(Filing No. H-174)

Minority  
CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
124TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "B" to H.P. 46, L.D. 53, Bill, "An Act To Permit the Use of a Common Flue for Oil and Solid Fuel Burning Equipment"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 25 MRSA §2465, sub-§1-A, as enacted by PL 2005, c. 571, §1, is amended to read:

1-A. Routine technical rules. The Commissioner of Public Safety shall adopt rules pertaining to the construction, installation, maintenance and inspection of chimneys, fireplaces, vents and solid fuel burning appliances. Rules adopted pursuant to this subsection may include rules pertaining to maintenance and inspections, except as provided in subsection 1-B. Rules adopted pursuant to this subsection may not prohibit the continued use of an existing connection of a solid fuel burning appliance to a chimney flue to which another appliance burning oil or solid fuel is connected for any chimney existing and in use prior to February 2, 1998 as long as sufficient draft is available for each appliance and the chimney is lined and structurally intact. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 32 MRSA §2402-A, as enacted by PL 1999, c. 386, Pt. J, §16, is amended to read:

§2402-A. Rules

The board may adopt reasonable rules for the issuance of various types and classes of licenses to cover oil and solid fuel burner installations and to set forth standards and rules for product approval. Rules adopted pursuant to this section may not prohibit the continued use of an existing connection of a solid fuel burning appliance to a chimney flue to which another appliance burning oil or solid fuel is connected for any chimney existing and in use prior to February 2, 1998 as long as sufficient draft is available for each appliance and the chimney is lined and structurally intact. A license may cover one

COMMITTEE AMENDMENT

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COMMITTEE AMENDMENT "B" to H.P. 46, L.D. 53

1 or more types of installations. The board may further adopt reasonable rules concerning  
2 the term and type of experience required by candidates for examination.'

3 **SUMMARY**

4 This amendment, which is the minority report of the committee, replaces the bill. It  
5 requires the Commissioner of Public Safety and the Oil and Solid Fuel Board to adopt  
6 rules that allow the continued use of an existing connection of a solid fuel burning  
7 appliance to a chimney flue to which another appliance burning oil or solid fuel is  
8 connected for any chimney existing and in use prior to February 2, 1998 as long as  
9 sufficient draft is available for each appliance and the chimney is lined and structurally  
10 intact. This amendment would require the Commissioner of Public Safety and the Oil  
11 and Solid Fuel Board to include language from the rule that went into effect February 2,  
12 1998 and repeal language from the new rule that went into effect February 3, 2008.

**FISCAL NOTE REQUIRED**  
(See attached)



# 124th MAINE LEGISLATURE

LD 53

LR 198(03)

**An Act To Permit the Use of a Common Flue for Oil and Solid Fuel Burning Equipment**

**Fiscal Note for Bill as Amended by Committee Amendment "B"**  
**Committee: Criminal Justice and Public Safety**  
**Fiscal Note Required: Yes**

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## Fiscal Note

Minor cost increase - Other Special Revenue Funds

### Fiscal Detail and Notes

Additional costs to the Oil and Solid Fuel Board within the Office of Licensing and Registration, Department of Professional and Financial Regulation, and the Office of the Fire Marshall, Department of Public Safety, associated with rulemaking can be absorbed within existing budgeted resources.