

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

R. O. S.

Date: 4-28-09

(Filing No. S- 98)

CRIMINAL JUSTICE AND PUBLIC SAFETY

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

124TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 212, L.D. 550, Bill, "An Act To Protect Maine Residents from Home Fires and Carbon Monoxide"

Amend the bill in section 1 in subsection 2 in the first paragraph in the 3rd line (page 1, line 6 in L.D.) by striking out the following: "existing"

Amend the bill in section 1 in subsection 2 in the 2nd paragraph in the 2nd line (page 1, line 13 in L.D.) by striking out the following: "must be of the photoelectric-only type and"

Amend the bill in section 3 in subsection 9 in paragraph A in the 2nd line (page 1, line 28 in L.D.) by inserting after the following: "notification" the following: 'in writing.'

Amend the bill in section 3 in subsection 9 in paragraph B in the 2nd line (page 1, line 35 in L.D.) by striking out the following: "if possible,"

Amend the bill in section 3 in subsection 9 in paragraph B in the 3rd line (page 1, line 36 in L.D.) by striking out the following: ", if possible," and "permanently"

Amend the bill by striking out all of section 4 (page 1, line 38 and page 2, lines 1 to 10 in L.D.) and inserting the following:

'Sec. 4. 25 MRSA §2464, sub-§10 is enacted to read:

10. Transfer of dwelling. A person who, after October 31, 2009, acquires by sale or exchange a single-family dwelling or a multiapartment building shall certify at the closing of the transaction that the dwelling or multiapartment building is provided with smoke detectors in accordance with this section. This certification must be signed and dated by the purchaser.

A person may not have a claim for relief against a property owner, a property purchaser, an authorized agent of a property owner or purchaser, a person in possession of real property or a smoke detector installer for any damages resulting from the proper operation, maintenance or effectiveness of a smoke detector.

Violation of this subsection does not create a defect in title.'

COMMITTEE AMENDMENT

R. S.

1 Amend the bill in section 5 in §2468 by striking out all of subsection 1 (page 2, lines
2 13 to 16 in L.D.) and inserting the following:

3 '1. Definitions. As used in this section, unless the context otherwise indicates, the
4 following terms have the following meanings.

5 A. "Carbon monoxide detector" means a device with an assembly that incorporates a
6 sensor control component and an alarm notification that detects elevations in carbon
7 monoxide levels and sounds a warning alarm and is approved or listed for the
8 purpose by a nationally recognized independent testing laboratory.

9 B. "Electrical service" means powered by a battery and either a device plugged into
10 an electrical outlet or hardwired.'

11 Amend the bill in section 5 in §2468 in subsection 2 in the 3rd line (page 3, line 19 in
12 L.D.) by striking out the following: "upon or near the ceiling or floor"

13 Amend the bill in section 5 in §2468 in subsection 2 in the last blocked paragraph in
14 the last line (page 2, line 26 in L.D.) by striking out the following: "and by battery"

15 Amend the bill in section 5 in §2468 by striking out all of subsection 3 (page 2, lines
16 27 to 30 in L.D.)

17 Amend the bill in section 5 in §2468 in subsection 5 in the 2nd line (page 3, line 2 in
18 L.D.) by striking out the following: "upon or near the ceiling or floor"

19 Amend the bill in section 5 in §2468 in subsection 5 in the last line (page 3, line 4 in
20 L.D.) by striking out the following: "and by battery"

21 Amend the bill in section 5 in §2468 in subsection 6 in paragraph A in the 3rd line
22 (page 3, line 9 in L.D.) by inserting after the following: "notification" the following: 'in
23 writing.'

24 Amend the bill in section 5 in §2468 in subsection 6 in paragraph B in the 2nd line
25 (page 3, line 16 in L.D.) by striking out the following: "if possible."

26 Amend the bill in section 5 in §2468 in subsection 6 in paragraph B in the 3rd line
27 (page 3, line 17 in L.D.) by striking out the following: ", if possible."

28 Amend the bill in section 5 in §2468 in subsection 6 in paragraph B in the last line
29 (page 3, line 18 in L.D.) by striking out the following: "permanently"

30 Amend the bill in section 5 in §2468 by striking out all of subsection 7 (page 3, lines
31 19 to 29 in L.D.) and inserting the following:

32 '7. Transfer of dwelling. A person who, after October 31, 2009, acquires by sale or
33 exchange a single-family dwelling or a multiapartment building shall certify at the
34 closing of the transaction that the dwelling or multiapartment building is provided with
35 carbon monoxide detectors in accordance with this section. This certification must be
36 signed and dated by the purchaser.

37 A person may not have a claim for relief against a property owner, a property purchaser,
38 an authorized agent of a property owner or purchaser, a person in possession of real
39 property or a carbon monoxide detector installer for any damages resulting from the
40 proper operation, maintenance or effectiveness of a carbon monoxide detector.

COMMITTEE AMENDMENT

R. of S.

1 Violation of this subsection does not create a defect in title.'

2 Amend the bill in section 5 in §2468 in subsection 10 in the 2nd line (page 3, line 41
3 in L.D.) by striking out the following: "subsection 6" and inserting the following:
4 'subsection 5'

5 Amend the bill in section 5 in §2468 by renumbering the subsections to read
6 consecutively.

7 Amend the bill by inserting after section 5 the following:

8 **'Sec. 6. Transfer funds from Department of Public Safety, Office of the**
9 **State Fire Marshal.** The Commissioner of Public Safety shall transfer \$100,000 from
10 the Department of Public Safety, Office of the State Fire Marshal for the purpose of
11 purchasing carbon monoxide detectors for distribution through the Maine State Housing
12 Authority, community action agencies, local fire departments, associations representing
13 realtors and any other organizations that could be used to promote the placement of
14 carbon monoxide detectors in homes. Only organizations that are willing and have the
15 ability to properly install these detectors are eligible to participate in this program.
16 Purchase of carbon monoxide detectors may not be made, or a contract executed, without
17 the approval of the Director of the Bureau of General Services within the Department of
18 Administrative and Financial Services.

19 **Sec. 7. Plan for substantial compliance.** The Department of Public Safety,
20 Office of the State Fire Marshal shall develop a plan to determine standards for
21 substantial compliance and education programs to achieve substantial compliance with
22 the Maine Revised Statutes, Title 25, section 2468. This plan must include a public
23 awareness and educational campaign that involves the print media and postings on the
24 Office of the State Fire Marshal publicly accessible website. The office shall make every
25 attempt to have its website linked with other organizations and agencies that have an
26 interest in public safety. The office, working with other agencies, television or radio,
27 shall develop public service announcements to educate the general public of the dangers
28 of carbon monoxide and provide public awareness of the action of the Legislature to
29 address this issue.

30 **Sec. 8. Appropriations and allocations.** The following appropriations and
31 allocations are made.

32 **PUBLIC SAFETY, DEPARTMENT OF**

33 **Fire Marshal - Office of 0327**

34 Initiative: Provides one-time funding for the purchase of carbon monoxide detectors and
35 educational materials.

36	OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
37	All Other	\$115,938	\$0
38			
39	OTHER SPECIAL REVENUE FUNDS TOTAL	\$115,938	\$0
40			

R. S. S.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

SUMMARY

This amendment makes the following changes to the bill.

1. It clarifies that smoke detectors are required in all single-family dwellings rather than in existing single-family dwellings.

2. It removes the requirement for smoke detectors in multifamily or newly constructed single-family buildings to be the photoelectric type and only requires smoke detectors to be powered by both electricity and battery.

3. It requires tenants to notify landlords in writing that a smoke detector or carbon monoxide detector is not working.

4. It clarifies that tenants shall keep smoke detectors and carbon monoxide detectors in working order, test them periodically and refrain from disabling them.

5. It requires the buyer of a single-family dwelling or multiapartment building, rather than the seller, to certify at closing that the building is provided with smoke detectors and carbon monoxide detectors.

6. It clarifies that carbon monoxide detectors must be powered by electricity and battery and clarifies that electrical service means powered by a battery and either a device plugged into an electrical outlet or hardwired.

7. It removes the requirement that carbon monoxide detectors must be on or near the ceiling or floor in each area and requires them only near or in bedrooms.

8. It removes the section requiring carbon monoxide detectors to be in corridors or hallways of multiapartment buildings more than 3 stories in height because they are required in every apartment of a multiapartment building.

9. It requires the Department of Public Safety, Office of the State Fire Marshal to spend \$100,000 to purchase carbon monoxide detectors to be distributed to organizations that promote the placement of carbon monoxide detectors in homes and have the ability to install them.

10. It requires the Office of the State Fire Marshal to develop standards for substantial compliance and a plan for an education program to achieve substantial compliance with the Maine Revised Statutes, Title 25, section 2468.

11. It adds an appropriations and allocations section to the bill.

FISCAL NOTE REQUIRED

(See attached)



124th MAINE LEGISLATURE

LD 550

LR 176(02)

An Act To Protect Maine Residents from Home Fires and Carbon Monoxide

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

Fiscal Note

	2009-10	2010-11	Projections 2011-12	Projections 2012-13
Appropriations/Allocations				
Other Special Revenue Funds	\$115,938	\$0	\$0	\$0

Correctional and Judicial Impact Statements

Increases the number of civil violations.
 The collection of additional fines may also increase General Fund revenue by minor amounts.

Fiscal Detail and Notes

The bill includes a one-time Other Special Revenue Funds allocation of \$115,938 in fiscal year 2009-10 to the Department of Public Safety. \$100,000 of this allocation will be used to purchase carbon monoxide detectors, and the remaining \$15,938 will be used to conduct a public awareness and educational campaign.

Additional costs to the Maine State Housing Authority can be absorbed within existing budgeted resources.