

# MAINE STATE LEGISLATURE

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CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE

SENATE

124TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 575, L.D. 1497, Bill, "An Act To Amend the Law Pertaining to Smoke Detectors and Carbon Monoxide Detectors"

Amend the bill by striking out all of section 2 and inserting the following:

'Sec. 2. 25 MRSA §2464, sub-§2-A is enacted to read:

2-A. Smoke detectors required. The owner shall properly install, or cause to be properly installed, in accordance with the manufacturer's requirements at the time of installation, smoke detectors in:

A. A single-family dwelling the construction of which is completed after January 1, 1982;

B. Each unit in a building of multifamily occupancy;

C. An addition to or restoration of an existing single-family dwelling that adds at least one bedroom to the dwelling and the construction of which is completed after September 19, 1985; and

D. A conversion of a building to a single-family dwelling completed after September 19, 1985.

A smoke detector installed or replaced, after the effective date of this subsection, within 20 feet of a kitchen or of a bathroom containing a tub or shower must be a photoelectric-type smoke detector except that ionization detectors are permitted within the bedrooms even if the bedroom is within 20 feet of a kitchen or bathroom containing a tub or shower.'

Amend the bill by striking out all of section 5 and inserting the following:

'Sec. 5. 25 MRSA §2464, sub-§10, as enacted by PL 2009, c. 162, §4, is amended 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 install smoke detectors in the acquired dwelling within 30 days of acquisition, if smoke detectors are

COMMITTEE AMENDMENT

1 ~~not already present, and shall~~ certify at the closing of the transaction that ~~the dwelling or~~  
2 ~~multiapartment building is provided with smoke detectors in accordance with this section~~  
3 ~~the purchaser will make the proper installation.~~ This certification must be signed and  
4 dated by the purchaser. ~~The smoke detectors must be installed in accordance with the~~  
5 ~~manufacturer's requirements at the time of installation. The smoke detectors must be~~  
6 ~~powered by the electrical service in the building or by battery.~~

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

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

12 Amend the bill by striking out all of sections 9 and 10 and inserting the following:

13 '**Sec. 9. 25 MRSA §2468, sub-§5**, as enacted by PL 2009, c. 162, §5, is amended  
14 to read:

15 **5. Rental units.** In ~~an apartment~~ a unit occupied under the terms of a rental  
16 agreement or under a month-to-month tenancy:

17 A. At the time of each occupancy, the landlord shall provide carbon monoxide  
18 detectors ~~if carbon monoxide detectors are not already present.~~ The carbon monoxide  
19 detectors must be in working condition. After notification, in writing, of any  
20 deficiencies by the tenant, the landlord shall repair or replace the carbon monoxide  
21 detectors. If the landlord did not know and had not been notified of the need to repair  
22 or replace a carbon monoxide detector, the landlord's failure to repair or replace the  
23 carbon monoxide detector may not be considered as evidence of negligence in a  
24 subsequent civil action arising from death, property loss or personal injury; and

25 B. The tenant shall keep the carbon monoxide detectors in working condition by  
26 keeping the carbon monoxide detectors connected to the electrical service in the  
27 building, by keeping charged batteries in battery-operated carbon monoxide detectors  
28 backed up by batteries, by testing the carbon monoxide detectors periodically and by  
29 refraining from disabling the carbon monoxide detectors.

30 **Sec. 10. 25 MRSA §2468, sub-§6**, as enacted by PL 2009, c. 162, §5, is amended  
31 to read:

32 **6. 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 install carbon  
34 monoxide detectors in the acquired dwelling within 30 days of acquisition, if carbon  
35 monoxide detectors are not already present, and shall certify at the closing of the  
36 transaction that ~~the dwelling or multiapartment building is provided with carbon~~  
37 ~~monoxide detectors in accordance with this section~~ purchaser will make the proper  
38 installation. This certification must be signed and dated by the purchaser. The carbon  
39 monoxide detectors must be installed in accordance with the manufacturer's requirements  
40 at the time of installation in each area within, or giving access to, bedrooms and must be  
41 powered both by the electrical service in the dwelling or building and by battery.

42 A person may not have a claim for relief against a property owner, a property purchaser,  
43 an authorized agent of a property owner or purchaser, a person in possession of real

1 property ~~or a carbon monoxide detector installer~~, a closing agent or a lender for any  
2 damages resulting from the proper operation, maintenance or effectiveness of a carbon  
3 monoxide detector.

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

5 **SUMMARY**

6 This amendment makes the following changes to the bill.

7 1. It removes the requirement for smoke detectors and carbon monoxide detectors to  
8 be installed in accordance with the National Electric Code and clarifies that they must be  
9 installed according to the manufacturer's requirements at the time of installation.

10 2. It clarifies that smoke detectors installed or replaced after the effective date of the  
11 bill within 20 feet of a kitchen or bathroom with a tub or shower must be of a  
12 photoelectric type, except that ionization detectors are permitted in bedrooms even if the  
13 bedroom is within 20 feet of a kitchen or bathroom with a tub or shower.

14 3. It requires a buyer of a single-family dwelling or multiapartment building to  
15 certify at closing that the buyer will install smoke detectors and carbon monoxide  
16 detectors within 30 days of acquisition rather than on the day of closing.

17 4. It removes smoke detector installers and carbon monoxide detector installers  
18 from protection from liability from damages resulting from the operation of the detectors.

19 5. It includes closing agents and lenders in the list of people exempt from claims for  
20 relief resulting from the operation of smoke detectors or carbon monoxide detectors.

21 6. It clarifies that claims for relief are for damages from the operation, maintenance  
22 or effectiveness of smoke detectors and carbon monoxide detectors, not only the proper  
23 operation, maintenance or effectiveness.

24 7. It removes the exemption for hotels, motels, inns or bed and breakfasts from the  
25 requirement for rental units to have carbon monoxide detectors. This would allow the  
26 Department of Public Safety, Office of the State Fire Marshal the ability to require carbon  
27 monoxide detectors in these facilities through rulemaking.

**FISCAL NOTE REQUIRED**  
(See attached)



# 124th MAINE LEGISLATURE

LD 1497

LR 2417(02)

## An Act To Amend the Law Pertaining to Smoke Detectors and Carbon Monoxide Detectors

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
<b>Appropriations/Allocations</b>				
Other Special Revenue Funds	\$0	\$115,000	\$0	\$0

#### Fiscal Detail and Notes

This bill includes a one-time Other Special Revenue Funds allocation to the Department of Public Safety of \$115,000 in fiscal year 2010-11 for the purchase of carbon monoxide detectors and educational materials.