

# MAINE STATE LEGISLATURE

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L.D. 124  
(Filing No. H-253)

**CRIMINAL JUSTICE AND PUBLIC SAFETY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
125TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 106, L.D. 124, Bill, "An Act To Eliminate Certain Restrictions on the Installation of Chimneys and 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**Sec. 1. 25 MRSA §2465, sub-§1-A**, as amended by PL 2009, c. 250, §1, is repealed and the following enacted in its place:

**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:

A. 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:

- (1) Sufficient draft is available for each appliance;
- (2) The chimney is lined and structurally intact; and
- (3) A carbon monoxide detector is installed in the building near a bedroom; or

B. The 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 on or after February 2, 1998 as long as:

- (1) Sufficient draft is available for each appliance;
- (2) The chimney is lined and structurally intact;
- (3) A carbon monoxide detector is installed in the building near a bedroom;
- (4) The solid fuel burning appliance has been listed by Underwriters Laboratories or by an independent, nationally recognized testing laboratory or

**COMMITTEE AMENDMENT**

1 other testing laboratory approved by the Maine Fuel Board, established under  
2 Title 5, section 12004-A, subsection 49; and

3 (5) The solid fuel burning appliance is installed in accordance with the  
4 manufacturer's installation specifications.

5 Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5,  
6 chapter 375, subchapter 2-A.

7 **Sec. 2. 32 MRSA §18107**, as amended by PL 2009, c. 652, Pt. A, §46, is repealed  
8 and the following enacted in its place:

9 **§18107. Installations to conform to standards**

10 **1. Board standards and rules.** Installation of oil, solid fuel, propane and natural  
11 gas burning equipment and chimneys may not be made in this State unless the installation  
12 complies with all the standards and rules adopted by the board. These standards and rules  
13 may not prohibit:

14 A. The continued use of an existing connection of a solid fuel burning appliance to a  
15 chimney flue to which another appliance burning oil or solid fuel is connected for any  
16 chimney existing and in use prior to February 2, 1998 as long as:

- 17 (1) Sufficient draft is available for each appliance;
- 18 (2) The chimney is lined and structurally intact; and
- 19 (3) A carbon monoxide detector is installed in the building near a bedroom; or

20 B. The connection of a solid fuel burning appliance to a chimney flue to which  
21 another appliance burning oil or solid fuel is connected for any chimney existing and  
22 in use on or after February 2, 1998 as long as:

- 23 (1) Sufficient draft is available for each appliance;
- 24 (2) The chimney is lined and structurally intact;
- 25 (3) A carbon monoxide detector is installed in the building near a bedroom;
- 26 (4) The solid fuel burning appliance has been listed by Underwriters  
27 Laboratories or by an independent, nationally recognized testing laboratory or  
28 other testing laboratory approved by the board; and
- 29 (5) The solid fuel burning appliance is installed in accordance with the  
30 manufacturer's installation specifications.

31 **2. Technician responsibility for ascertaining total conformance to the standards**  
32 **and rules.** Whenever oil, solid fuel, propane and natural gas burning equipment,  
33 accessory equipment or its installation are separately contracted, the master oil and solid  
34 fuel burning technician or the propane and natural gas technician in charge of the  
35 installation is responsible for ascertaining total conformance to the standards and rules  
36 adopted by the board.

P. 48.

1 3. Proof of license. Whenever a state fuel inspector authorized under section 18110  
2 finds a person installing or assisting in an oil, propane, natural gas or solid fuel burning  
3 appliance installation, that person shall, on request of the state fuel inspector, provide  
4 evidence of being properly licensed when required by this chapter and, if unable to  
5 provide the evidence, shall furnish the state fuel inspector with that person's full name  
6 and address and, if applicable, the full name and address of the master oil and solid fuel  
7 burning technician or the propane and natural gas technician in charge.

8 **Sec. 3. 32 MRSA §18123, sub-§2,** as amended by PL 2009, c. 652, Pt. A, §47, is  
9 repealed and the following enacted in its place:

10 2. Rules. The board may adopt rules commensurate with the authority vested in it  
11 by this chapter, including, but not limited to, rules adopting technical standards for the  
12 proper installation and servicing of oil, solid fuel, propane and natural gas burning  
13 equipment. Rules adopted pursuant to this subsection may not prohibit:

14 A. The continued use of an existing connection of a solid fuel burning appliance to a  
15 chimney flue to which another appliance burning oil or solid fuel is connected for any  
16 chimney existing and in use prior to February 2, 1998 as long as:

- 17 (1) Sufficient draft is available for each appliance;
- 18 (2) The chimney is lined and structurally intact; and
- 19 (3) A carbon monoxide detector is installed in the building near a bedroom; or

20 B. The connection of a solid fuel burning appliance to a chimney flue to which  
21 another appliance burning oil or solid fuel is connected for any chimney existing and  
22 in use on or after February 2, 1998 as long as:

- 23 (1) Sufficient draft is available for each appliance;
- 24 (2) The chimney is lined and structurally intact;
- 25 (3) A carbon monoxide detector is installed in the building near a bedroom;
- 26 (4) The solid fuel burning appliance has been listed by Underwriters
- 27 Laboratories or by an independent, nationally recognized testing laboratory or
- 28 other testing laboratory approved by the board; and
- 29 (5) The solid fuel burning appliance is installed in accordance with the
- 30 manufacturer's installation specifications.

31 The board may adopt by rule national or other technical standards, in whole or in part,  
32 that it considers necessary to carry out the provisions of this chapter. Rules adopted  
33 pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375,  
34 subchapter 2-A.'

**SUMMARY**

35 This amendment replaces the bill.

36 1. It retains provisions in the Maine Revised Statutes, Title 32, section 18107  
37 governing the continued use of an existing connection of a solid fuel burning appliance to  
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**COMMITTEE AMENDMENT**

P. 4. 6.

1 a chimney flue to which another appliance burning oil or solid fuel is connected for any  
2 chimney existing and in use prior to February 2, 1998, including the 3 requirements for  
3 this continued use. It adds these 3 requirements and 2 additional requirements for  
4 chimneys existing and in use on or after February 2, 1998. The 2 additional requirements  
5 are that the appliance has been listed by Underwriters Laboratories or other testing  
6 laboratory and that the solid fuel burning appliance is installed in accordance with the  
7 manufacturer's installation specifications.

8 2. It includes changes to Title 25, section 2465, which is affected by any changes  
9 made to Title 32, section 18107, as it deals with rules pertaining to maintenance and  
10 inspections, including specific allowances. These changes allow for the adoption of rules  
11 that do not prohibit the connection of a solid fuel burning appliance to a chimney flue to  
12 which another appliance is connected for any chimney existing and in use on or after  
13 February 2, 1998 as long as certain requirements are met.

14 3. It includes changes to Title 32, section 18123, which is affected by the changes  
15 made to Title 32, section 18107, giving the Maine Fuel Board certain powers and duties,  
16 including adopting technical standards for the proper installation and servicing of oil,  
17 solid fuel, propane and natural gas burning equipment. This amendment allows installers  
18 to install appliances in accordance with changes made in Title 32, section 18107.