

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 264

H.P. 217

House of Representatives, February 1, 2011

An Act Regarding Residential Chimney Lining

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative HARVELL of Farmington.
Cosponsored by Senator SAVIELLO of Franklin and
Representatives: GIFFORD of Lincoln, LIBBY of Waterboro, MORISSETTE of Winslow,
O'CONNOR of Berwick, PARRY of Arundel, SANDERSON of Chelsea, VOLK of
Scarborough.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 10 MRSA §9722, sub-§7** is enacted to read:

3 7. Limitation. The board may not adopt any rules or standards under this section
4 that require a chimney in a residential dwelling to be lined unless the burning equipment
5 used to heat the dwelling is a condensing unit that recaptures heat by condensing escaping
6 water vapor.

7 **Sec. 2. 25 MRSA §2452, first ¶**, as amended by PL 2007, c. 632, §1, is further
8 amended to read:

9 The Commissioner of Public Safety shall adopt and may amend rules governing the
10 safety to life from fire in or around all buildings or other structures and mass outdoor
11 gatherings, as defined in Title 22, section 1601, subsection 2, within the commissioner's
12 jurisdiction. These rules do not apply to nursing homes having 3 or fewer patients.
13 Automatic sprinkler systems may not be required in existing noncommercial places of
14 assembly. Noncommercial places of assembly include those facilities used for such
15 purposes as deliberation, worship, entertainment, amusement or awaiting transportation
16 that have a capacity of 100 to 300 persons. The commissioner may not adopt any rules or
17 standards under this section that require a chimney in a residential dwelling to be lined
18 unless the burning equipment used to heat the dwelling is a condensing unit that
19 recaptures heat by condensing escaping water vapor. Rules adopted pursuant to this
20 section are routine technical rules, except that rules pertaining to fire sprinklers are major
21 substantive rules, both of which are defined in Title 5, chapter 375, subchapter 2-A.

22 **Sec. 3. 32 MRSA §18107**, as amended by PL 2009, c. 652, Pt. A, §46, is further
23 amended to read:

24 **§18107. Installations to conform to standards**

25 Installation of oil, solid fuel, propane and natural gas burning equipment and
26 chimneys may not be made in this State unless the installation complies with all the
27 standards and rules adopted by the board. These standards and rules may not prohibit the
28 continued use of an existing connection of a solid fuel burning appliance to a chimney
29 flue to which another appliance burning oil or solid fuel is connected for any chimney
30 existing and in use prior to February 2, 1998 as long as sufficient draft is available for
31 each appliance, the chimney is lined and structurally intact and a carbon monoxide
32 detector is installed in the building near a bedroom. The standards and rules adopted by
33 the board may not require a chimney in a residential dwelling to be lined unless the
34 burning equipment used to heat the dwelling is a condensing unit that recaptures heat by
35 condensing escaping water vapor. Whenever oil, solid fuel, propane and natural gas
36 burning equipment, accessory equipment or its installation are separately contracted, the
37 master oil and solid fuel burning technician or the propane and natural gas technician in
38 charge of the installation is responsible for ascertaining total conformance to the
39 standards and rules adopted by the board. Whenever a state fuel inspector authorized
40 under section 18110 finds a person installing or assisting in an oil, solid fuel, propane or
41 natural gas installation, that person shall, on request of the state fuel inspector, provide

1 evidence of being properly licensed when required by this chapter and, if unable to
2 provide the evidence, shall furnish the state fuel inspector with that person's full name
3 and address and, if applicable, the full name and address of the master oil and solid fuel
4 burning technician or the propane and natural gas technician in charge.

5 **Sec. 4. 32 MRSA §18123, sub-§2**, as amended by PL 2009, c. 652, Pt. A, §47, is
6 further amended to read:

7 **2. Rules.** The board may, in accordance with the Maine Administrative Procedure
8 Act, adopt rules commensurate with the authority vested in it by this chapter, including,
9 but not limited to, rules adopting technical standards for the proper installation and
10 servicing of oil, solid fuel, propane and natural gas burning equipment. Rules adopted
11 pursuant to this subsection may not prohibit the continued use of an existing connection
12 of a solid fuel burning appliance to a chimney flue to which another appliance burning oil
13 or solid fuel is connected for any chimney existing and in use prior to February 2, 1998 as
14 long as sufficient draft is available for each appliance, the chimney is lined and
15 structurally intact and a carbon monoxide detector is installed in the building near a
16 bedroom. The rules may not require a chimney in a residential dwelling to be lined
17 unless the burning equipment used to heat the dwelling is a condensing unit that
18 recaptures heat by condensing escaping water vapor. The board may adopt by rule
19 national or other technical standards, in whole or in part, that it considers necessary to
20 carry out the provisions of this chapter. Rules adopted pursuant to this chapter are routine
21 technical rules as defined by Title 5, chapter 375, subchapter 2-A.

22 SUMMARY

23 This bill prohibits state fire, safety and building codes from requiring a chimney in a
24 residential dwelling to be lined unless the burning equipment used to heat the dwelling is
25 a condensing unit that recaptures heat by condensing escaping water vapor.