

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 229

H.P. 192

House of Representatives, January 22, 2019

**An Act To Increase the Safety of Home Buyers Concerning
Chimney Inspections**

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative STEARNS of Guilford.
Cosponsored by Representatives: FARNSWORTH of Portland, PICKETT of Dixfield,
SKOLFIELD of Weld, Senator: POULIOT of Kennebec.

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

2 **Sec. 1. 33 MRSA §173, sub-§5**, as amended by PL 2017, c. 181, §2, is further
3 amended to read:

4 **5. Known defects.** Any known defects; ~~and~~

5 **Sec. 2. 33 MRSA §173, sub-§6, ¶B**, as enacted by PL 2017, c. 181, §3, is
6 amended to read:

7 B. Any means other than a public way, in which case the seller shall disclose
8 information about who is responsible for maintenance of the means of access,
9 including any responsible road association, if known by the seller: and

10 **Sec. 3. 33 MRSA §173, sub-§7** is enacted to read:

11 **7. Chimneys and vents.** Information regarding the inspection and condition of any
12 chimney or vent on the property. Unless the seller provides the purchaser with an
13 inspection report and stated condition of all chimneys and vents on the property, the
14 disclosure must include the statement: "The seller is making no representation as to the
15 inspection or safety of chimneys or vents on the property."

16 **Sec. 4. 33 MRSA §459-A** is enacted to read:

17 **§459-A. Inspection reports**

18 If a purchaser of residential real property engages an inspector to conduct an
19 inspection of the property that does not include a comprehensive inspection of all
20 chimneys and vents, the inspector shall provide the purchaser with a report including the
21 statement: "This inspection does not include the condition or safety of chimneys and
22 vents on the property."

23 **SUMMARY**

24 This bill requires that, in conveyances of residential real property, if the chimneys
25 and vents of the property have not been inspected, the seller's disclosure to the buyer must
26 state that the seller is making no representation as to the inspection or safety of the
27 chimneys or vents and any inspector commissioned by the buyer must provide the buyer
28 with a report stating that the inspection does not include the condition or safety of
29 chimneys or vents on the property.