

# MAINE STATE LEGISLATURE

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Amendment Name: Amendment CA (H-828) (LD 1962 2020)

Date: 8/12/2020



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**CRIMINAL JUSTICE AND PUBLIC SAFETY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
129TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1406, L.D. 1962, Bill, “An Act Regarding the Use of Propane and Natural Gas Detectors”

Amend the bill by striking out everything after the enacting clause and inserting the following:

**'Sec. 1. 25 MRSA §2469** is enacted to read:

**§2469. Fuel gas detectors**

**1. Fuel gas detector.** As used in this section, unless the context otherwise indicates, "fuel gas detector" means:

A. A device with an assembly that incorporates a sensor control component and an alarm notification that detects elevations in propane, natural gas or any liquified petroleum gas;

B. That sounds a warning alarm; and

C. That is approved or listed for the purpose specified in paragraph B by a nationally recognized independent testing laboratory.

A fuel gas detector may be battery operated, plugged into an electrical outlet or hardwired.

**2. Fuel gas detector required.** An owner shall install, or cause to be installed, in accordance with the manufacturer's requirements at least one approved fuel gas detector in every room containing an appliance fueled by propane, natural gas or any liquified petroleum gas in:

A. Each unit in any building of multifamily occupancy;

B. A fraternity house, sorority house or dormitory that is affiliated with an educational facility;

1 C. A children's home, emergency children's shelter, children's residential care  
2 facility, shelter for homeless children or specialized children's home as defined in  
3 Title 22, section 8101, subsections 1, 2, 4, 4-A and 5, respectively; or

4 D. A hotel, motel or inn.

5 **3. Residential rental units.** In a residential rental unit occupied under the terms of a  
6 rental agreement or under a month-to-month tenancy:

7 A. At the time of each occupancy, the landlord shall provide fuel gas detectors in  
8 accordance with subsection 2 if fuel gas detectors are not already present. Each fuel  
9 gas detector must be in working condition. After notification, in writing, by the tenant  
10 of any deficiencies with a fuel gas detector, the landlord shall repair or replace the  
11 fuel gas detector. If the landlord did not know and had not been notified of the need  
12 to repair or replace a fuel gas detector, the landlord's failure to repair or replace the  
13 fuel gas detector may not be considered evidence of negligence in a subsequent civil  
14 action arising from death, property loss or personal injury; and

15 B. The tenant shall keep the fuel gas detectors in working condition by keeping the  
16 fuel gas detectors connected to the electrical service in the building or keeping  
17 charged batteries in battery operated fuel gas detectors, by testing the fuel gas  
18 detectors periodically and by refraining from disabling the fuel gas detectors.

19 **4. Transfer of building.** A person who, after January 1, 2021, acquires by sale or  
20 exchange a building listed in subsection 2, paragraph A shall install fuel gas detectors in  
21 accordance with subsection 2 in the acquired building within 30 days of acquisition or  
22 occupancy of the building, whichever is later, if fuel gas detectors in accordance with  
23 subsection 2 are not already present, and shall certify at the closing of the transaction that  
24 fuel gas detectors will be installed. This certification must be signed and dated by the  
25 person acquiring the building. A fuel gas detector must be installed in accordance with  
26 the manufacturer's requirements at the time of installation in each area containing an  
27 appliance fueled by propane, natural gas or liquified petroleum gas. A person may not  
28 have a claim for relief against a property owner, a property purchaser, an authorized agent  
29 of a property owner or purchaser, a person in possession of real property, a closing agent  
30 or a lender for any damages resulting from the operation, maintenance or effectiveness of  
31 a fuel gas detector. Violation of this subsection does not create a defect in title.

32 **5. Penalties.** A person who violates this section commits a civil violation for which  
33 a fine of not more than \$500 for each violation may be adjudged. The court may waive  
34 any penalty or cost against a violator upon satisfactory proof that the violation was  
35 corrected within 10 days of the issuance of a complaint.

36 **6. Liability.** Nothing in this section gives rise to any action against an owner  
37 required to comply with subsection 2 or 3 if the owner has conducted an inspection of the  
38 required fuel gas detectors immediately after installation and has reinspected the fuel gas  
39 detectors prior to occupancy by each new tenant, unless the owner has been given at least  
40 24 hours' actual notice of a defect or failure of the fuel gas detector to operate properly  
41 and has failed to take action to correct the defect or failure.

42 **7. Noninterference.** A person may not knowingly interfere with or make  
43 inoperative any fuel gas detector required by this section, except that the owner or the  
44 agent of an owner of a building may temporarily disconnect a fuel gas detector in a

1 dwelling unit or common area only for construction or rehabilitation activities when such  
2 activities are likely to activate the fuel gas detector or make it inactive. The fuel gas  
3 detector must be immediately reconnected at the cessation of construction or  
4 rehabilitation activities each day, regardless of the intent to return to construction or  
5 rehabilitation activities on succeeding days.

6 **Sec. 2. Effective date.** This Act takes effect January 1, 2021.'

7 **SUMMARY**

8 This amendment strikes the bill, which is a concept draft. The amendment requires  
9 the installation of fuel gas detectors to detect propane, natural gas and liquified petroleum  
10 gas. The requirement applies to owners of: multifamily occupancy buildings; fraternity  
11 houses, sorority houses and dormitories that are affiliated with educational facilities;  
12 children's homes, emergency children's shelters, children's residential care facilities,  
13 shelters for homeless children and specialized children's homes; and hotels, motels and  
14 inns. The amendment is modeled on the laws applicable to those same buildings or  
15 facilities with regard to smoke detectors and carbon monoxide detectors. The amendment  
16 provides an effective date of January 1, 2021.



# 129th MAINE LEGISLATURE

LD 1962

LR 2834(02)

## An Act Regarding the Use of Propane and Natural Gas Detectors

**Fiscal Note for Bill as Amended by Committee Amendment " "**

**Committee: Criminal Justice and Public Safety**

**Fiscal Note Required: Yes**

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### Fiscal Note

Minor cost increase - University of Maine System

Minor cost increase - General Fund

Minor revenue increase - General Fund

Minor revenue increase - Other Special Revenue Funds

#### Correctional and Judicial Impact Statements

The additional workload associated with the minimal number of new cases filed in the court system does not require additional funding at this time.

The collection of additional fine and/or fee revenue will increase General Fund and dedicated revenue by minor amounts.

#### Fiscal Detail and Notes

Additional costs to the University of Maine System to implement the requirements of this legislation can be absorbed within existing budgeted resources.