

# MAINE STATE LEGISLATURE

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# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

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Legislative Document

No. 1254

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H.P. 920

House of Representatives, March 26, 2021

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**An Act Shielding Fire Departments That Install Smoke and Carbon  
Monoxide Detectors from Liability**

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Received by the Clerk of the House on March 24, 2021. Referred to the Committee on  
Judiciary pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

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

ROBERT B. HUNT  
Clerk

Presented by Representative PEBWORTH of Blue Hill.  
Cosponsored by Representatives: GRAMLICH of Old Orchard Beach, GROHOSKI of  
Ellsworth, MADIGAN of Waterville, McDONALD of Stonington, MILLETT of Cape  
Elizabeth, WILLIAMS of Bar Harbor, Senators: BAILEY of York, CARNEY of Cumberland.

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

2 **Sec. 1. 14 MRSA §173** is enacted to read:

3 **§173. Installation of smoke and carbon monoxide detectors by fire departments**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the  
5 following terms have the following meanings.

6 A. "Device" means a battery-operated or plug-in smoke detector, carbon monoxide  
7 detector or combination smoke and carbon monoxide detector.

8 B. "Fire department" means the State Fire Marshal, a municipal fire department as  
9 defined in Title 30-A, section 3151, subsection 1, a volunteer fire association as defined  
10 in Title 30-A, section 3151, subsection 3 or a fire district under Title 30-A, chapter  
11 164.

12 **2. Immunity.** Notwithstanding any provision of any public or private and special law  
13 to the contrary, a fire department or an employee or member of a fire department that  
14 delivers to or installs at residential premises a device or batteries for a device is not liable  
15 for damages for personal injury, wrongful death, property damage or other loss related to  
16 the device if:

17 A. The device is installed by the fire department and the device is new and meets all  
18 applicable current safety and manufacturing standards;

19 B. The device or the batteries in the device are installed by the fire department and the  
20 installation is performed in accordance with the manufacturer's instructions; and

21 C. The installation or delivery is performed in the fire department's official capacity.

22 For purposes of this subsection, "installation" does not include the alteration or installation  
23 of electrical wiring.

24 **3. Records.** A fire department that installs or delivers a device or batteries for a device  
25 under this section shall keep a record of the installation or delivery for a period of 5 years  
26 after the installation or delivery.

27 **4. Application.** This section does not limit or otherwise affect an obligation or duty  
28 of an owner or occupier of residential premises receiving an installation or delivery of a  
29 device or batteries for a device under this section.

30 **SUMMARY**

31 This bill provides immunity from liability to a fire department in the residential  
32 installation or delivery of a smoke or carbon monoxide detector or batteries for a smoke or  
33 carbon monoxide detector if the installation or delivery is performed in the fire department's  
34 official capacity.