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

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

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

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

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

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

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

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

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

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

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

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

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

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

**SUMMARY**

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