

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

—
H.P. 920 - L.D. 1254

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 and authorized by the municipal officers.

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.