



# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 264

H.P. 217

House of Representatives, February 1, 2011

### An Act Regarding Residential Chimney Lining

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Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative HARVELL of Farmington.  
Cosponsored by Senator SAVIELLO of Franklin and  
Representatives: GIFFORD of Lincoln, LIBBY of Waterboro, MORISSETTE of Winslow,  
O'CONNOR of Berwick, PARRY of Arundel, SANDERSON of Chelsea, VOLK of  
Scarborough.

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

2 **Sec. 1. 10 MRSA §9722, sub-§7** is enacted to read:

3 7. Limitation. The board may not adopt any rules or standards under this section  
4 that require a chimney in a residential dwelling to be lined unless the burning equipment  
5 used to heat the dwelling is a condensing unit that recaptures heat by condensing escaping  
6 water vapor.

7 **Sec. 2. 25 MRSA §2452, first ¶**, as amended by PL 2007, c. 632, §1, is further  
8 amended to read:

9 The Commissioner of Public Safety shall adopt and may amend rules governing the  
10 safety to life from fire in or around all buildings or other structures and mass outdoor  
11 gatherings, as defined in Title 22, section 1601, subsection 2, within the commissioner's  
12 jurisdiction. These rules do not apply to nursing homes having 3 or fewer patients.  
13 Automatic sprinkler systems may not be required in existing noncommercial places of  
14 assembly. Noncommercial places of assembly include those facilities used for such  
15 purposes as deliberation, worship, entertainment, amusement or awaiting transportation  
16 that have a capacity of 100 to 300 persons. The commissioner may not adopt any rules or  
17 standards under this section that require a chimney in a residential dwelling to be lined  
18 unless the burning equipment used to heat the dwelling is a condensing unit that  
19 recaptures heat by condensing escaping water vapor. Rules adopted pursuant to this  
20 section are routine technical rules, except that rules pertaining to fire sprinklers are major  
21 substantive rules, both of which are defined in Title 5, chapter 375, subchapter 2-A.

22 **Sec. 3. 32 MRSA §18107**, as amended by PL 2009, c. 652, Pt. A, §46, is further  
23 amended to read:

24 **§18107. Installations to conform to standards**

25 Installation of oil, solid fuel, propane and natural gas burning equipment and  
26 chimneys may not be made in this State unless the installation complies with all the  
27 standards and rules adopted by the board. These standards and rules may not prohibit the  
28 continued use of an existing connection of a solid fuel burning appliance to a chimney  
29 flue to which another appliance burning oil or solid fuel is connected for any chimney  
30 existing and in use prior to February 2, 1998 as long as sufficient draft is available for  
31 each appliance, the chimney is lined and structurally intact and a carbon monoxide  
32 detector is installed in the building near a bedroom. The standards and rules adopted by  
33 the board may not require a chimney in a residential dwelling to be lined unless the  
34 burning equipment used to heat the dwelling is a condensing unit that recaptures heat by  
35 condensing escaping water vapor. Whenever oil, solid fuel, propane and natural gas  
36 burning equipment, accessory equipment or its installation are separately contracted, the  
37 master oil and solid fuel burning technician or the propane and natural gas technician in  
38 charge of the installation is responsible for ascertaining total conformance to the  
39 standards and rules adopted by the board. Whenever a state fuel inspector authorized  
40 under section 18110 finds a person installing or assisting in an oil, solid fuel, propane or  
41 natural gas installation, that person shall, on request of the state fuel inspector, provide

1 evidence of being properly licensed when required by this chapter and, if unable to  
2 provide the evidence, shall furnish the state fuel inspector with that person's full name  
3 and address and, if applicable, the full name and address of the master oil and solid fuel  
4 burning technician or the propane and natural gas technician in charge.

5 **Sec. 4. 32 MRSA §18123, sub-§2**, as amended by PL 2009, c. 652, Pt. A, §47, is  
6 further amended to read:

7 **2. Rules.** The board may, in accordance with the Maine Administrative Procedure  
8 Act, adopt rules commensurate with the authority vested in it by this chapter, including,  
9 but not limited to, rules adopting technical standards for the proper installation and  
10 servicing of oil, solid fuel, propane and natural gas burning equipment. Rules adopted  
11 pursuant to this subsection may not prohibit the continued use of an existing connection  
12 of a solid fuel burning appliance to a chimney flue to which another appliance burning oil  
13 or solid fuel is connected for any chimney existing and in use prior to February 2, 1998 as  
14 long as sufficient draft is available for each appliance, the chimney is lined and  
15 structurally intact and a carbon monoxide detector is installed in the building near a  
16 bedroom. The rules may not require a chimney in a residential dwelling to be lined  
17 unless the burning equipment used to heat the dwelling is a condensing unit that  
18 recaptures heat by condensing escaping water vapor. The board may adopt by rule  
19 national or other technical standards, in whole or in part, that it considers necessary to  
20 carry out the provisions of this chapter. Rules adopted pursuant to this chapter are routine  
21 technical rules as defined by Title 5, chapter 375, subchapter 2-A.

## 22 SUMMARY

23 This bill prohibits state fire, safety and building codes from requiring a chimney in a  
24 residential dwelling to be lined unless the burning equipment used to heat the dwelling is  
25 a condensing unit that recaptures heat by condensing escaping water vapor.