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CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 106, L.D. 124, Bill, “An Act To Eliminate Certain Restrictions on the Installation of Chimneys and Equipment”

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

Sec. 1. 25 MRSA §2465, sub-§1-A, as amended by PL 2009, c. 250, §1, is repealed and the following enacted in its place:

1-A. Routine technical rules. The Commissioner of Public Safety shall adopt rules pertaining to the construction, installation, maintenance and inspection of chimneys, fireplaces, vents and solid fuel burning appliances. Rules adopted pursuant to this subsection may include rules pertaining to maintenance and inspections, except as provided in subsection 1-B. Rules adopted pursuant to this subsection may not prohibit:

A. The continued use of an existing connection of a solid fuel burning appliance to a chimney flue to which another appliance burning oil or solid fuel is connected for any chimney existing and in use prior to February 2, 1998 as long as:

- (1) Sufficient draft is available for each appliance;
- (2) The chimney is lined and structurally intact; and
- (3) A carbon monoxide detector is installed in the building near a bedroom; or

B. The connection of a solid fuel burning appliance to a chimney flue to which another appliance burning oil or solid fuel is connected for any chimney existing and in use on or after February 2, 1998 as long as:

- (1) Sufficient draft is available for each appliance;
- (2) The chimney is lined and structurally intact;
- (3) A carbon monoxide detector is installed in the building near a bedroom;
- (4) The solid fuel burning appliance has been listed by Underwriters Laboratories or by an independent, nationally recognized testing laboratory or

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1 other testing laboratory approved by the Maine Fuel Board, established under
2 Title 5, section 12004-A, subsection 49; and

3 (5) The solid fuel burning appliance is installed in accordance with the
4 manufacturer's installation specifications.

5 Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5,
6 chapter 375, subchapter 2-A.

7 **Sec. 2. 32 MRSA §18107**, as amended by PL 2009, c. 652, Pt. A, §46, is repealed
8 and the following enacted in its place:

9 **§18107. Installations to conform to standards**

10 **1. Board standards and rules.** Installation of oil, solid fuel, propane and natural
11 gas burning equipment and chimneys may not be made in this State unless the installation
12 complies with all the standards and rules adopted by the board. These standards and rules
13 may not prohibit:

14 A. The continued use of an existing connection of a solid fuel burning appliance to a
15 chimney flue to which another appliance burning oil or solid fuel is connected for any
16 chimney existing and in use prior to February 2, 1998 as long as:

17 (1) Sufficient draft is available for each appliance;

18 (2) The chimney is lined and structurally intact; and

19 (3) A carbon monoxide detector is installed in the building near a bedroom; or

20 B. The connection of a solid fuel burning appliance to a chimney flue to which
21 another appliance burning oil or solid fuel is connected for any chimney existing and
22 in use on or after February 2, 1998 as long as:

23 (1) Sufficient draft is available for each appliance;

24 (2) The chimney is lined and structurally intact;

25 (3) A carbon monoxide detector is installed in the building near a bedroom;

26 (4) The solid fuel burning appliance has been listed by Underwriters
27 Laboratories or by an independent, nationally recognized testing laboratory or
28 other testing laboratory approved by the board; and

29 (5) The solid fuel burning appliance is installed in accordance with the
30 manufacturer's installation specifications.

31 **2. Technician responsibility for ascertaining total conformance to the standards**
32 **and rules.** Whenever oil, solid fuel, propane and natural gas burning equipment,
33 accessory equipment or its installation are separately contracted, the master oil and solid
34 fuel burning technician or the propane and natural gas technician in charge of the
35 installation is responsible for ascertaining total conformance to the standards and rules
36 adopted by the board.

1 a chimney flue to which another appliance burning oil or solid fuel is connected for any
2 chimney existing and in use prior to February 2, 1998, including the 3 requirements for
3 this continued use. It adds these 3 requirements and 2 additional requirements for
4 chimneys existing and in use on or after February 2, 1998. The 2 additional requirements
5 are that the appliance has been listed by Underwriters Laboratories or other testing
6 laboratory and that the solid fuel burning appliance is installed in accordance with the
7 manufacturer's installation specifications.

8 2. It includes changes to Title 25, section 2465, which is affected by any changes
9 made to Title 32, section 18107, as it deals with rules pertaining to maintenance and
10 inspections, including specific allowances. These changes allow for the adoption of rules
11 that do not prohibit the connection of a solid fuel burning appliance to a chimney flue to
12 which another appliance is connected for any chimney existing and in use on or after
13 February 2, 1998 as long as certain requirements are met.

14 3. It includes changes to Title 32, section 18123, which is affected by the changes
15 made to Title 32, section 18107, giving the Maine Fuel Board certain powers and duties,
16 including adopting technical standards for the proper installation and servicing of oil,
17 solid fuel, propane and natural gas burning equipment. This amendment allows installers
18 to install appliances in accordance with changes made in Title 32, section 18107.