



Maine State Legislature
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TO: Senator Susan A. Deschambault, Chair
Representative Charlotte Warren, Chair
Joint Standing Committee of Criminal Justice and Public Safety

FROM: Jane Orbeton, OPLA

DATE: March 8, 2022

SUBJECT: Fuel gas detectors possible CJPS item for the Errors Bill

Senator Deschambault, Representative Warren, and Committee Members:

Two corrections are needed in the fuel gas detector law, Public Law 2021, chapter 194. Both corrections reflect the CJPS Committee unanimous OTPA vote. The CJPS Committee could request that these corrections be made in the Errors Bill.

Public Law 2021, chapter 194 enacted Title 25, section 2469, the fuel gas detectors law. I will explain the corrections here and include a marked-up copy of chapter 194.

1. Title 25, section 2469, subsection 2 requires that fuel gas detectors be installed in specific types of buildings “in every room containing an appliance fueled by a propane, natural gas or any liquified petroleum gas.” Samantha Warren, representing the University of Maine System, had asked that the wording be changed to “in every room containing an appliance **fueled by that combusts** propane, natural gas or any liquified petroleum gas.” The committee agreed to that change and voted it. In processing the amendment for PL 2021, chapter 194 that change was lost.

2. The committee agreed to delay the application of the new law until January 1, 2026, for business, mercantile and assembly occupancies that were in existence on January 1, 2021. PL 2021, chapter 194 contains this language in unallocated law in section 2. Although the public law is correct it is not user friendly. When a person reads Title 25, section 2469 the delayed application date does not show up because it is not in the allocated law – the law that is incorporated into Title 25. A straightforward correction to this problem is to write the delayed application date directly into section 2469, subsection 2, paragraphs F, G and H so that they read, as applicable to the type of occupancy: “**Beginning January 1, 2026, a** business occupancy...”

Does the CJPS Committee wish to request that the Judiciary Committee include these 2 corrections to Title 25, section 2469 in the Judiciary Committee amendment to the Errors Bill? I have discussed both of these issues with Samantha Warren, who agrees with the correction to section 2469, subsection 2, and with Richard McCarthy, Assistant State Fire Marshal, and he agrees with the correction to the application date.

§2469. Fuel gas detectors

1. Fuel gas detector. As used in this section, unless the context otherwise indicates, "fuel gas detector" means a device:

- A. With an assembly that incorporates a sensor control component and an alarm notification that detects elevations in propane, natural gas or any liquified petroleum gas;
- B. That sounds a warning alarm; and
- C. That is approved or listed for the purpose specified in paragraph B by a nationally recognized independent testing laboratory.

A fuel gas detector may be battery-operated, plugged into an electrical outlet or hardwired.

2. Fuel gas detector required. The building owner shall install, or cause to be installed, in accordance with the manufacturer's requirements at least one approved fuel gas detector in every room containing an appliance ~~fueled by~~ **that combusts** propane, natural gas or any liquified petroleum gas in:

- A. Each unit in any building of multifamily occupancy;
 - B. A fraternity house, sorority house or dormitory that is affiliated with an educational facility;
 - C. A children's home, emergency children's shelter, children's residential care facility, shelter for homeless children or specialized children's home as defined in Title 22, section 8101, subsections 1, 2, 4, 4-A and 5, respectively;
- D. A hotel, motel or inn;
- E. A mixed use occupancy that contains a dwelling unit;
- F. **Beginning January 1, 2026, a A** business occupancy;
- G. **Beginning January 1, 2026, a A** mercantile occupancy; or

H. Beginning January 1, 2026, an ~~A~~ assembly occupancy.

3. Residential rental units. In a residential rental unit occupied under the terms of a rental agreement or under a month-to-month tenancy:

A. At the time of each occupancy, the landlord shall provide fuel gas detectors in accordance with subsection 2 if fuel gas detectors are not already present. Each fuel gas detector must be in working condition. After notification, in writing, by the tenant of any deficiencies in a fuel gas detector, the landlord shall repair or replace the fuel gas detector. If the landlord did not know and had not been notified of the need to repair or replace a fuel gas detector, the landlord's failure to repair or replace the fuel gas detector may not be considered evidence of negligence in a subsequent civil action arising from death, property loss or personal injury; and

B. The tenant shall keep the fuel gas detectors in working condition by keeping the fuel gas detectors connected to the electrical service in the building or keeping charged batteries in battery operated fuel gas detectors, by testing the fuel gas detectors periodically and by refraining from disabling the fuel gas detectors.

4. Transfer of building. A person who, after January 1, 2022, acquires by sale or exchange a building listed in subsection 2, paragraph A shall install fuel gas detectors in accordance with subsection 2 in the acquired building within 30 days of acquisition or occupancy of the building, whichever is later, if fuel gas detectors in accordance with subsection 2 are not already present, and shall certify at the closing of the transaction that fuel gas detectors will be installed. This certification must be signed and dated by the person acquiring the building. A fuel gas detector must be installed in accordance with the manufacturer's requirements at the time of installation in each area containing an appliance fueled by propane, natural gas or liquified petroleum gas. A person may not have a claim for relief against a property owner, a property purchaser, an authorized agent of a property owner or purchaser, a person in possession of real property, a closing agent or a lender for any damages resulting from the operation, maintenance or effectiveness of a fuel gas detector. Violation of this subsection does not create a defect in title.

5. Penalties. A person who violates this section commits a civil violation for which a fine of not more than \$500 for each violation may be adjudged. The court may waive any penalty or cost against a violator upon satisfactory proof that the violation was corrected within 10 days of the issuance of a complaint.

6. Liability. Nothing in this section gives rise to any action against an owner required to comply with subsection 2 or 3 if the owner has conducted an inspection of the required fuel gas detectors immediately after installation and has reinspected the fuel gas detectors prior to occupancy by each new tenant, unless the owner has been given at least 24 hours' actual notice of a defect or failure of the fuel gas detector to operate properly and has failed to take action to correct the defect or failure.

7. Noninterference. A person may not knowingly interfere with or make inoperative any fuel gas detector required by this section, except that the owner or the agent of an owner of a building may temporarily disconnect a fuel gas detector in a dwelling unit or common area only for construction or rehabilitation activities when such activities are likely to activate the fuel gas detector or make it inactive. The fuel gas detector must be immediately reconnected at the cessation of construction or rehabilitation activities each day, regardless of the intent to return to construction or rehabilitation activities on succeeding days.

Sec. 2. Application. Notwithstanding the Maine Revised Statutes, Title 25, section 2469, subsection 2, paragraphs F, G and H, a business occupancy, a mercantile occupancy or an assembly occupancy in existence on January 1, 2022 shall comply with Title 25, section 2469, subsection 2 by January 1, 2026.

Sec. 3. Effective date. This Act takes effect January 1, 2022.

JO/elp