

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out all of section 2 and inserting the following:

‘**Sec. 2. 25 MRSA §2464, sub-§2-A** is enacted to read:

2-A. Smoke detectors required. The owner shall properly install, or cause to be properly installed, in accordance with the manufacturer's requirements at the time of installation, smoke detectors in:

- A. A single-family dwelling the construction of which is completed after January 1, 1982;
- B. Each unit in a building of multifamily occupancy;
- C. An addition to or restoration of an existing single-family dwelling that adds at least one bedroom to the dwelling and the construction of which is completed after September 19, 1985; and
- D. A conversion of a building to a single-family dwelling completed after September 19, 1985.

A smoke detector installed or replaced, after the effective date of this subsection, within 20 feet of a kitchen or of a bathroom containing a tub or shower must be a photoelectric-type smoke detector except that ionization detectors are permitted within the bedrooms even if the bedroom is within 20 feet of a kitchen or bathroom containing a tub or shower.’

Amend the bill by striking out all of section 5 and inserting the following:

‘**Sec. 5. 25 MRSA §2464, sub-§10**, as enacted by PL 2009, c. 162, §4, is amended to read:

10. Transfer of dwelling. A person who, after October 31, 2009, acquires by sale or exchange a single-family dwelling or a multiapartment building shall install smoke detectors in the acquired dwelling within 30 days of acquisition, if smoke detectors are not already present, and shall certify at the closing of the transaction that the dwelling or multiapartment building is provided with smoke detectors in accordance with this sectionthe purchaser will make the proper installation. This certification must be signed and dated by the purchaser. The smoke detectors must be installed in accordance with the manufacturer's requirements at the time of installation. The smoke detectors must be powered by the electrical service in the building or by battery.

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 ~~or a smoke detector installer, a closing agent or a lender~~ for any damages resulting from the ~~proper~~ operation, maintenance or effectiveness of a smoke detector.

Violation of this subsection does not create a defect in title.’

Amend the bill by striking out all of sections 9 and 10 and inserting the following:

Sec. 9. 25 MRSA §2468, sub-§5, as enacted by PL 2009, c. 162, §5, is amended to read:

5. Rental units. In an apartmenta 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 carbon monoxide detectors if carbon monoxide detectors are not already present. The carbon monoxide detectors must be in working condition. After notification, in writing, of any deficiencies by the tenant, the landlord shall repair or replace the carbon monoxide detectors. If the landlord did not know and had not been notified of the need to repair or replace a carbon monoxide detector, the landlord's failure to repair or replace the carbon monoxide detector may not be considered as evidence of negligence in a subsequent civil action arising from death, property loss or personal injury; and

B. The tenant shall keep the carbon monoxide detectors in working condition by keeping the carbon monoxide detectors connected to the electrical service in the building, by keeping charged batteries in battery-operated carbon monoxide detectors backed up by batteries, by testing the carbon monoxide detectors periodically and by refraining from disabling the carbon monoxide detectors.

Sec. 10. 25 MRSA §2468, sub-§6, as enacted by PL 2009, c. 162, §5, is amended to read:

6. Transfer of dwelling. A person who, after October 31, 2009, acquires by sale or exchange a single-family dwelling or a multiapartment building shall install carbon monoxide detectors in the acquired dwelling within 30 days of acquisition, if carbon monoxide detectors are not already present, and shall certify at the closing of the transaction that the dwelling or multiapartment building is provided with carbon monoxide detectors in accordance with this section purchaser will make the proper installation. This certification must be signed and dated by the purchaser. The carbon monoxide detectors must be installed in accordance with the manufacturer's requirements at the time of installation in each area within, or giving access to, bedrooms and must be powered both by the electrical service in the dwelling or building and by battery.

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 ~~or a carbon monoxide detector installer, a closing agent or a lender~~ for any damages resulting from the ~~proper~~ operation, maintenance or effectiveness of a carbon monoxide detector.

Violation of this subsection does not create a defect in title.'

SUMMARY

This amendment makes the following changes to the bill.

1. It removes the requirement for smoke detectors and carbon monoxide detectors to be installed in accordance with the National Electric Code and clarifies that they must be installed according to the manufacturer's requirements at the time of installation.

2. It clarifies that smoke detectors installed or replaced after the effective date of the bill within 20 feet of a kitchen or bathroom with a tub or shower must be of a photoelectric type, except that ionization detectors are permitted in bedrooms even if the bedroom is within 20 feet of a kitchen or bathroom with a tub or shower.

3. It requires a buyer of a single-family dwelling or multiapartment building to certify at closing that the buyer will install smoke detectors and carbon monoxide detectors within 30 days of acquisition rather than on the day of closing.

4. It removes smoke detector installers and carbon monoxide detector installers from protection from liability from damages resulting from the operation of the detectors.

5. It includes closing agents and lenders in the list of people exempt from claims for relief resulting from the operation of smoke detectors or carbon monoxide detectors.

6. It clarifies that claims for relief are for damages from the operation, maintenance or effectiveness of smoke detectors and carbon monoxide detectors, not only the proper operation, maintenance or effectiveness.

7. It removes the exemption for hotels, motels, inns or bed and breakfasts from the requirement for rental units to have carbon monoxide detectors. This would allow the Department of Public Safety, Office of the State Fire Marshal the ability to require carbon monoxide detectors in these facilities through rulemaking.