§2468. Carbon monoxide detectors

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Carbon monoxide detector" means a device with an assembly that incorporates a sensor control component and an alarm notification that detects elevations in carbon monoxide levels and sounds a warning alarm and is approved or listed for the purpose by a nationally recognized independent testing laboratory. [PL 2009, c. 162, §5 (NEW).]

A-1. "Educational facility" means a public or private postsecondary institution incorporated or chartered under the laws of this State or a child care facility as defined in Title 22, section 8301-A, subsection 1-A, paragraph B. [PL 2015, c. 375, §1 (NEW); PL 2015, c. 375, §5 (AFF).]

B. "Powered by the electrical service" means either plugged into an electrical outlet or hardwired. [PL 2009, c. 551, §6 (AMD).]

[PL 2015, c. 375, §1 (AMD); PL 2015, c. 375, §5 (AFF).]

2. Carbon monoxide detectors required. The owner shall install, or cause to be installed, by the manufacturer's requirements at least one approved carbon monoxide detector in each area within, or giving access to, bedrooms in:

A. Each unit in any building of multifamily occupancy; a fraternity house, sorority house or dormitory that is affiliated with an educational facility; 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; or a hotel, motel, inn or bed and breakfast licensed as an eating establishment or a lodging place under Title 22, chapter 562. The owner shall use a carbon monoxide detector that is powered by:

(1) Both the electrical service in the building and a battery;

(2) A nonreplaceable 10-year battery; or

(3) A replaceable battery if the carbon monoxide detector uses a low-power radio frequency wireless communication signal, uses multiple sensors, has low-frequency audible notification capability or is connected to a control panel; [PL 2017, c. 322, §8 (AMD).]

B. Any addition to or restoration of:

(1) An existing single-family dwelling that adds at least one bedroom to the dwelling unit.

The owner shall use a carbon monoxide detector that is powered both by the electrical service in the building and by a battery; and [PL 2015, c. 375, §2 (AMD); PL 2015, c. 375, §5 (AFF).]

C. Any conversion of a building to:

(1) A single-family dwelling; or

(1-A) A structure listed in paragraph A.

The owner shall use a carbon monoxide detector that is powered both by the electrical service in the building and by a battery. [PL 2015, c. 375, §2 (AMD); PL 2015, c. 375, §5 (AFF).]

[PL 2017, c. 322, §8 (AMD).]

3. Carbon monoxide detectors for persons with disabilities. Upon the request of a deaf or hard-of-hearing occupant, the owner of a dwelling unit shall provide an approved carbon monoxide detector suitable to warn the occupant within the dwelling unit. If the owner does not provide a suitable carbon monoxide detector, the occupant may purchase, install and maintain a suitable carbon monoxide detector or arrange for proper installation and maintenance of a suitable carbon monoxide detector and may deduct the actual costs from the rent for the dwelling unit. An occupant may not be charged,

evicted or penalized in any way for failure to pay the actual costs deducted from the rent for the dwelling unit.
[PL 2009, c. 162, §5 (NEW).]

4. New construction. A person who constructs any of the following shall install or cause to be installed at least one carbon monoxide detector in each area within, or giving access to, any bedroom in the new construction of:

A. A single-family dwelling; [PL 2011, c. 553, §2 (NEW).]

B. A hotel, motel, inn or bed and breakfast upon initial licensure of that new construction as an eating establishment or a lodging place under Title 22, chapter 562 on or after August 1, 2012; or [PL 2017, c. 322, §9 (AMD).]

C. A fraternity house, sorority house or dormitory established on or after August 1, 2012 that is affiliated with a private or public school or private or public postsecondary institution incorporated or chartered under the laws of this State. [PL 2011, c. 553, §2 (NEW).]

The carbon monoxide detector must be powered both by the electrical service in the building or dwelling and by battery.
[PL 2017, c. 322, §9 (AMD).]

5. Rental units. In a 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 [PL 2009, c. 551, §9 (AMD).]

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 carbon monoxide detectors backed up by batteries, by testing the carbon monoxide detectors periodically and by refraining from disabling the carbon monoxide detectors. [PL 2009, c. 551, §9 (AMD).]
[PL 2009, c. 551, §9 (AMD).]

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 or occupancy of the dwelling, whichever is later, if carbon monoxide detectors are not already present, and shall certify at the closing of the transaction that the 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, a closing agent or a lender for any damages resulting from the operation, maintenance or effectiveness of a carbon monoxide detector.

Violation of this subsection does not create a defect in title.
[PL 2009, c. 551, §10 (AMD).]

7. Rules. The Commissioner of Public Safety or the commissioner's designee, in accordance with the Maine Administrative Procedure Act, shall adopt rules pertaining to carbon monoxide detectors. The rules adopted must include, but are not limited to, standards for approved carbon monoxide detectors and all requirements of use, maintenance and installation. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2009, c. 162, §5 (NEW).]

8. Penalties. A person who violates this section is guilty of a civil violation and is subject to a fine of not more than $500 for each violation. The court may waive any penalty or cost against any violator upon satisfactory proof that the violation was corrected within 10 days of the issuance of a complaint.
[PL 2009, c. 162, §5 (NEW).]

9. Liability. Nothing in this section gives rise to any action against an owner required to comply with subsection 2, paragraph A or subsection 5, paragraph A if the owner has conducted an inspection of the required carbon monoxide detectors immediately after installation and has reinspected the carbon monoxide 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 carbon monoxide detector to operate properly and has failed to take action to correct the defect or failure.
[PL 2009, c. 162, §5 (NEW).]

10. Noninterference. A person may not knowingly interfere with or make inoperative any carbon monoxide detector required by this section, except that the owner or the agent of an owner of a building may temporarily disconnect a carbon monoxide detector in a dwelling unit or common area only for construction or rehabilitation activities when such activities are likely to activate the carbon monoxide detector or make it inactive. The carbon monoxide 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.
[PL 2009, c. 162, §5 (NEW).]

11. Educational facilities. An educational facility shall install, or cause to be installed, by the manufacturer's requirements at least one approved carbon monoxide detector in each building of the educational facility that is used for educational purposes by at least 6 persons for at least 4 hours per day or more than 12 hours per week. The owner shall use a carbon monoxide detector that is powered by:

A. Both the electrical service in the building and a battery; [PL 2015, c. 396, §2 (AMD).]

B. A nonreplaceable 10-year battery; or [PL 2015, c. 396, §2 (AMD).]

C. A replaceable battery if the carbon monoxide detector uses a low-power radio frequency wireless communication signal, uses multiple sensors, has low-frequency audible notification capability or is connected to a control panel. [PL 2015, c. 396, §2 (NEW).]
[PL 2015, c. 396, §2 (AMD).]

12. Exemption. A dormitory or other building of an educational facility is exempt from the requirements of this section if the dormitory or other building meets the standards for the installation of carbon monoxide detection and warning equipment adopted by the National Fire Protection Association.
[PL 2015, c. 375, §3 (NEW); PL 2015, c. 375, §5 (AFF).]

13. Compliance schedule. A public or private postsecondary institution shall, for each dormitory or other building that is not exempt from the requirements of this section pursuant to subsection 12, begin installation of carbon monoxide detectors as required by this section by August 1, 2016 and shall achieve full compliance by January 1, 2019.
[PL 2015, c. 375, §3 (NEW); PL 2015, c. 375, §5 (AFF).]

SECTION HISTORY

PL 2009, c. 162, §5 (NEW). PL 2009, c. 551, §§6-10 (AMD). PL 2011, c. 553, §§1, 2 (AMD). PL 2015, c. 375, §§1-3 (AMD). PL 2015, c. 375, §5 (AFF). PL 2015, c. 396, §§1, 2 (AMD). PL 2017, c. 322, §§8, 9 (AMD).

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