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H.P. 244

House of Representatives, February 8, 2021

An Act Requiring the Use of Propane and Natural Gas Detectors

Received by the Clerk of the House on February 4, 2021. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative RECKITT of South Portland.

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

2 **Sec. 1. 25 MRSA §2469** is enacted to read:

3 **§2469. Fuel gas detectors**

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

6 A. With an assembly that incorporates a sensor control component and an alarm
7 notification that detects elevations in propane, natural gas or any liquified petroleum
8 gas;

9 B. That sounds a warning alarm; and

10 C. That is approved or listed for the purpose specified in paragraph B by a nationally
11 recognized independent testing laboratory.

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

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

17 A. Each unit in any building of multifamily occupancy;

18 B. A fraternity house, sorority house or dormitory that is affiliated with an educational
19 facility;

20 C. A children's home, emergency children's shelter, children's residential care facility,
21 shelter for homeless children or specialized children's home as defined in Title 22,
22 section 8101, subsections 1, 2, 4, 4-A and 5, respectively; or

23 D. A hotel, motel or inn.

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

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

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

38 **4. Transfer of building.** A person who, after January 1, 2022, acquires by sale or
39 exchange a building listed in subsection 2, paragraph A shall install fuel gas detectors in
40 accordance with subsection 2 in the acquired building within 30 days of acquisition or
41 occupancy of the building, whichever is later, if fuel gas detectors in accordance with

1 subsection 2 are not already present, and shall certify at the closing of the transaction that
2 fuel gas detectors will be installed. This certification must be signed and dated by the
3 person acquiring the building. A fuel gas detector must be installed in accordance with the
4 manufacturer's requirements at the time of installation in each area containing an appliance
5 fueled by propane, natural gas or liquified petroleum gas. A person may not have a claim
6 for relief against a property owner, a property purchaser, an authorized agent of a property
7 owner or purchaser, a person in possession of real property, a closing agent or a lender for
8 any damages resulting from the operation, maintenance or effectiveness of a fuel gas
9 detector. Violation of this subsection does not create a defect in title.

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

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

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

27 **Sec. 2. Effective date.** This Act takes effect January 1, 2022.

28 SUMMARY

29 This bill requires the installation of fuel gas detectors to detect propane, natural gas and
30 liquified petroleum gas. The requirement applies to owners of: multifamily occupancy
31 buildings; fraternity houses, sorority houses and dormitories that are affiliated with
32 educational facilities; children's homes, emergency children's shelters, children's
33 residential care facilities, shelters for homeless children and specialized children's homes;
34 and hotels, motels and inns. The bill is modeled on the laws applicable to those same
35 buildings or facilities with regard to smoke detectors and carbon monoxide detectors. The
36 bill provides an effective date of January 1, 2022.