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What the new Maine Smoke Detector and Carbon Monoxide Law Means

Due primarily to the increased frequency of CO related poisonings in Maine over the past five years the 124th Maine Legislature passed “An Act To Protect Maine Residents from Home Fires and Carbon Monoxide.” The portions of the law mandating installation and maintenance of CO detectors are entirely new while those dealing with smoke detectors are changes to an existing statute. Let’s look at what the portions of the law dealing with smoke detectors mean to a current or potential owner of a single-family dwelling or apartment first, and then do the same with the portions of the law dealing with CO detectors. I’ve italicized what we believe to be significant changes.

Smoke Detectors

- Owners of single-family or multifamily occupancies are required to have a working smoke detector, photoelectric or ionization, in each area within or giving access to bedrooms.
- After October 31, 2009 *smoke detectors installed in a multifamily or newly constructed single-family occupancy must be powered by both the electrical service in the building or dwelling and by battery*. Batteries act as a backup to regular electrical service.
- In an apartment occupied under the terms of a rental agreement or under month-month tenancy, smoke detectors are to be in place and in working order. Upon a tenant’s written notification of any deficiencies in the smoke detectors, the landlord shall repair or replace the smoke detector.
- *Tenants shall keep the smoke detectors working condition, test them periodically to ensure that they work and refrain from disabling them*.
- *After October 31, 2009 any person acquiring by sale or exchange either a single-family dwelling or multiapartment building shall certify at closing that the dwelling or multiapartment building is provided with smoke detectors in accordance with this statute. The certification must be signed and dated by the purchaser.*
- Any smoke detector located within 20 feet of a kitchen or a bathroom containing a tub or shower *must be a photoelectric-type smoke detector*.

Carbon Monoxide Detectors

- *Carbon Monoxide detectors are required in each area giving access to bedrooms in*
 - Each apartment in any building of multifamily occupancy;
 - Any addition to or restoration of an existing single-family dwelling that adds at least one bedroom to the dwelling unit; and
 - Any conversion of a building to a single-family dwelling.
- *CO detectors must be powered by a battery and the electrical service (plugged in or hardwired) in the building.*
- *Upon the request of a deaf or hard of hearing occupant, the owner of a dwelling unit shall provide an approved CO detector within the dwelling unit. If the owner does not provide a suitable CO detector, the occupant may purchase, install and maintain a suitable CO detector for themselves and deduct from the rent the cost.*
- *Those building a new single-family dwelling shall install a CO detector in each area within or giving access to bedrooms. That detection must be powered by the electrical service in the building and battery.*
- In an apartment occupied under the terms of a rental agreement or under month-month tenancy, CO detectors are to be in place and operational at the time of each occupancy. Upon a tenant's written notification of any deficiencies in the CO detectors, the landlord shall repair or replace the smoke detector.
- *Tenants shall keep the CO detectors in working condition by keeping charged batteries in place and refrain from disabling them.*
- *After October 31, 2009 any person acquiring by sale (buying) or exchange either a single-family dwelling or multiapartment building shall certify at closing that the dwelling or multiapartment building is provided with CO detectors in accordance with this statute. The certification must be signed and dated by the purchaser.*
- The Commissioner of Public Safety shall adopt rules pertaining to CO detectors.
- The Department of Public Safety, Office of the State Fire Marshal shall develop a plan to determine standards for substantial compliance and carbon monoxide education programs designed to achieve substantial compliance.
- 25 MRSA § 2464 contains provisions which impose fines and or forfeiture of up to \$500 per violation of this section.

We encourage you to contact the Fire Marshal's Office at 626-3873 if you have any further questions with regard to this new law. Thank you for helping make Maine a safer place.