

**Where There is Smoke, There is Fire!**  
**The Lowdown on Smoke Detectors**  
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As with virtually every aspect of property management, there are always two sides to the story. Your headline could read “Smoke Detectors Save Lives” or it could just as easily read “One More Government Regulation Pushes Cost of Doing Business Toward Breaking Point”.

The fact is that both headlines are accurate and Maine has taken the balanced approach between saving lives and forcing landlords to incur additional expenses. The original requirements for smoke alarms were initiated in 1985. However, it was not until 1997 that the bulk of the current law first went into effect.

The owner of each apartment building is now required to install a minimum of one approved smoke detector on or near the ceiling “in areas within, or giving access to, bedrooms”. The bedroom area mandate applies to “each apartment in any building of multifamily occupancy” except for any unit occupied by the owner of the building.

Additionally, in any apartment building that is taller than 3 stories in height, approved smoke detectors must also be installed in each corridor and the hallway on each floor.

Maine law defines “smoke detector” as a device that when activated by smoke, provides an alarm suitable to warn the occupants within the individual dwelling unit in which it is attached. The alarm must be one, which has been preapproved and listed for use by a nationally recognized independent testing laboratory. Special accommodations are required for disabled tenants.

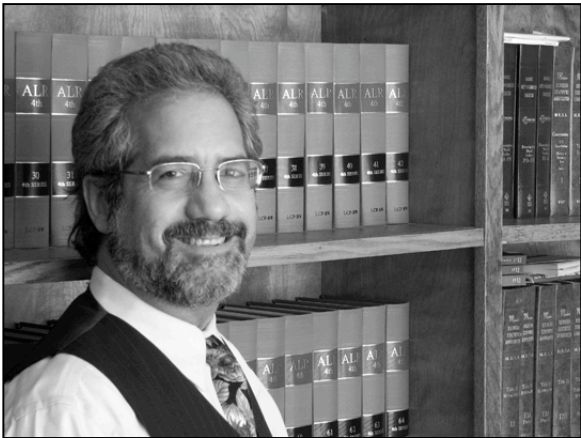
The Legislature has ordered the Commissioner of Public Safety to adopt special rules pertaining to smoke detectors. These rules include standards for approved smoke detectors and all requirements of use, maintenance and installation. These rules can be located at Title 25 M.R.S.A. Section 2464 (4-A), pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

Maine law provides that no individual may knowingly interfere with or make inoperative any smoke detector required by law. The only exception to that requirement is that the landlord may temporarily disconnect a smoke detector in a dwelling unit or common area when it is necessary to complete construction or rehabilitative activities. The smoke detector must immediately be reconnected at the cessation of construction each day, regardless of the landlord’s intent to return to the project on the following day.

Any individual who violates the Smoke Detector Law is guilty of a civil violation and is subject to a forfeiture (fine) of up \$500.00 for each violation. Keep in mind that it is the District Attorney for each county that can decide whether to pursue such a claim or not. Once you are in Court, the Judge has the right to waive any penalty or cost if you present satisfactory proof that the violation was corrected within 10 days of the issuance of a complaint. Each nonworking or nonexistent smoke detector within a building is a separate civil violation. The cost of ignoring this law can be substantial, even for someone with relatively few holdings.

In addition to the civil penalties that can come from enforcement by the District Attorney, there is substantial financial risk to landlords, property managers, and building owners arising from "civil liability". A tenant or his guest could sue you for negligence, breach of contract, violation of the Warranty of Habitability, or any number of other legal theories. If you have a duty to fulfill an obligation (which you do under Maine law), and then someone who should be the beneficiary of that duty suffers the consequences of your failure to act, you may be held personally liable. You could be facing a claim by a tenant for smoke damage, loss of personal property, personal injury, or wrongful death. It is of the utmost importance that you discuss this situation with your insurance carrier. While virtually every insurance policy will provide coverage for the consequences of a fire, some insurance companies will not protect you if they conclude that you have failed to comply with state law.

The bottom line is that smoke detectors are the law and there are severe consequences for your failure to comply with the state statute.



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