**02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**

**658 MAINE FUEL BOARD**

**CHAPTER 10 CHIMNEYS**

**Summary**: This Chapter governs the removal of waste gases and the reduction of fire hazards associated with the construction and installation of chimneys, fireplaces, and venting systems for residential, commercial, and industrial applications.

**10.1 Nationally-Accredited Testing Laboratory**

All heating, chimney and fireplace equipment, as well as any accessory equipment, must be listed and approved by Underwriters’ Laboratories or by an independent nationally recognized testing laboratory. Such listing must be in effect at time of installation.

**10.2** **Chimney Construction Disclosure**

All masonry chimney systems must be constructed in accordance with NFPA 211. An installer must complete the State of Maine Chimney or Fireplace Construction/Installation Disclosure on a form provided by the Board prior to connecting an appliance to a newly-constructed masonry chimney.

**10.3 Use of Existing Chimneys**

10.3.1 Except as provided in Section 10.3.1.1, the required 2″ minimum clearance to combustible material for existing interior chimneys and the required 1″ minimum clearance to combustible material for existing exterior chimneys is not required when replacing oil- or gas-fired appliances.

10.3.1.1The 2” clearance to combustible material for existing interior chimneys and the 1” minimum clearance to combustible material for existing exterior chimneys are required when a solid fuel appliance or a wood stove is connected to the chimney flue**.**

10.3.2 When installing any gas, oil or solid fuel appliance, the chimney must be lined with a clay tile liner or listed lining system compatible with the intended fuel source.

10.4 **Emergency Chimney Lining Update - Waiver For Oil Fired Heating Appliances**

When an emergency situation arises that does not allow adequate time to replace or repair the chimney liner before installing a new oil-fired heating appliance, the licensee may defer the required replacement or repairs for up to ninety (90) days. It is the licensee’s responsibility to ensure that the installation meets all standards adopted by the Board and the manufacturer’s instructions. The licensee must either install or have installed the required liner or make the proper repairs within the 90-day time period.

10.4.1 For the purposes of this Section, an emergency situation may include, but is not limited to, situations of serious equipment failure, such as a cracked heat exchanger of a warm air furnace or a leaking boiler in cold weather, as well as failure of equipment that generates hot water when a chimney professional is unavailable.

10.4.2 Any licensee deferring the required repairs or replacement pursuant to this section must complete and provide a copy of the State of Maine Emergency Chimney Update Waiver on a form provided by the Board to the building owner and to the Board.

10.4.3 The waiver permitted by this Section only applies to the installation of oil-fired appliances. A chimney must be lined prior to a new solid fuel or gas-fired appliance being put into service.

**10.5 Interconnection**

10.5.1 **Gas and Liquid Fuel Appliances**

Gas utilization appliances and appliances burning liquid fuels may be connected to one chimney in accordance with the applicable sections(s) of NFPA 211and NFPA 54.

10.5.2 **Oil and Solid Fuel-Burning Equipment**

The interconnection of oil and solid fuel-burning equipment must meet the requirements of 32 M.R.S. § 18107.

10.5.3 **Gas and Solid Fuel Burning Equipment**

The interconnection of gas and solid fuel burning equipment is prohibited unless the appliance is a listed combination gas/solid fuel appliance.

**STATE OF MAINE  
CHIMNEY OR FIREPLACE CONSTRUCTION/INSTALLATION DISCLOSURE**

Dear Consumer: As of January 1, 1992, State law, specifically 32 M.R.S. § 18108, requires that chimney or fireplace installers provide you with this “Disclosure” prior to the installation or construction of your chimney or fireplace. The purpose of this Disclosure is to inform you that the National Fire Protection Standard 211 (NFPA 211), as adopted in Chapter 6 in the Maine Fuel Board rules, is the current standard which applies to all new construction of chimneys and fireplaces. Please note that the State of Maine does not require registration or licensure of chimney or fireplace installers. It is important to realize that many fires are caused each year from improperly constructed fireplaces and chimneys. This disclosure form should help you in making an informed decision as to the abilities of the installer and under what requirements the installation must comply.

**INSTALLER INFORMATION**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Name of Installer: | | | D/B/A: | |
| Name of Installer (if incorporated): | | | D/B/A: | |
| Legal Address: | | | | |
| City: | State: | | | Zip Code: |
| County: | | Home Telephone: (\_\_\_\_\_) \_\_\_\_\_\_\_\_\_\_\_  Work Telephone: (\_\_\_\_\_) \_\_\_\_\_\_\_\_\_\_\_ | | |
| Years of experience doing fireplace or chimney installations: | | | | |

**CONSUMER INFORMATION**

|  |  |  |  |
| --- | --- | --- | --- |
| Name of Consumer: | | | |
| Mailing Address: | | | |
| City: | State: | | Zip Code: |
| County: | | Home Telephone: (\_\_\_\_\_) \_\_\_\_\_\_\_\_\_\_\_  Work Telephone: (\_\_\_\_\_) \_\_\_\_\_\_\_\_\_\_\_ | |

Installer, please give a brief description of installation being offered:

I hereby attest that the preceding information provided is true to the best of my knowledge. I also understand that if I fail to conform with the standards as outlined in NFPA 211 and as adopted by the Maine Fuel Board that I shall be subject to penalties as outlined in Title 32, M.R.S., Chapter 139 and the Maine Fuel Board Rules.

Signature of Installer: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**STATE OF MAINE  
EMERGENCY CHIMNEY UPDATE  
WAIVER FORM**

Dear Consumer: The State of Maine, Maine Fuel Board adopted the National Fire Protection Association (NFPA) Standard # 31 in Chapter 6 of Board Rules, which requires that before an existing oil-fired appliance is replaced with a new appliance, the chimney to which it is connected must be lined with an approved lining system. This regulation is intended to protect you, the consumer.

When an emergency situation arises that does not allow adequate time to get the chimney lined and/or repaired before installing the new heating appliance, the licensee may grant a waiver of up to 90 days to make required repairs. It is the licensee’s responsibility to ensure that the installation meets all standards adopted by the board and the manufacturer’s instructions. The licensee must either install or have installed the required liner or make the proper repairs within the 90 day time period. In cold weather an emergency situation may include, but is not limited to, situations of serious equipment failure, such as a cracked heat exchanger of a warm air furnace or a leaking boiler. Emergency situations may also include failure of equipment that generates hot water, and the unavailability of a chimney professional.

**A copy of this waiver must be provided to the building owner and the Maine Fuel Board.**

### INSTALLER INFORMATION

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Name of Installer: | | | License #: | |
| D/B/A | | | | |
| Mailing Address: | | | | |
| City: | State: | | | Zip Code: |
| County: | | Home Telephone: (\_\_\_\_\_) \_\_\_\_\_\_\_\_\_\_\_  Work Telephone: (\_\_\_\_\_) \_\_\_\_\_\_\_\_\_\_\_ | | |

|  |
| --- |
| By my signature, I certify that I will follow-up within 90 days to ascertain if the liner has been installed.  Signature of Installer:  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

### CONSUMER INFORMATION

|  |  |  |  |
| --- | --- | --- | --- |
| Name of Consumer: | | | |
| Mailing Address: | | | |
| City: | State: | | Zip Code: |
| County: | | Home Telephone: (\_\_\_\_\_) \_\_\_\_\_\_\_\_\_\_\_  Work Telephone: (\_\_\_\_\_) \_\_\_\_\_\_\_\_\_\_\_ | |

|  |
| --- |
| By my signature, I certify that I am aware that, if I do not get my chimney lined, I may be in violation of State of Maine Law, 32 M.R.S. Chapter 139 and a Maine Fuel Board Inspector may contact me.  Signature of Consumer:  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

Statutory Authority: 32 M.R.S. § 18123(2)

Effective Date:

September 27, 2014 – filing 2014-243

REPEALED AND REPLACED:

September 16, 2023 – filing 2023-166