



129th MAINE LEGISLATURE

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Legislative Document

No. 229

H.P. 192

House of Representatives, January 22, 2019

**An Act To Increase the Safety of Home Buyers Concerning
Chimney Inspections**

Reference to the Committee on Judiciary suggested and ordered printed.

R. B. Hunt
ROBERT B. HUNT
Clerk

Presented by Representative STEARNS of Guilford.

Cosponsored by Representatives: FARNSWORTH of Portland, PICKETT of Dixfield,
SKOLFIELD of Weld, Senator: POULIOT of Kennebec.

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

Sec. 1. 33 MRSA §173, sub-§5, as amended by PL 2017, c. 181, §2, is further amended to read:

5. Known defects. Any known defects; and

Sec. 2. 33 MRSA §173, sub-§6, ¶B, as enacted by PL 2017, c. 181, §3, is amended to read:

B. Any means other than a public way, in which case the seller shall disclose information about who is responsible for maintenance of the means of access, including any responsible road association, if known by the seller; and

Sec. 3. 33 MRSA §173, sub-§7 is enacted to read:

7. Chimneys and vents. Information regarding the inspection and condition of any chimney or vent on the property. Unless the seller provides the purchaser with an inspection report and stated condition of all chimneys and vents on the property, the disclosure must include the statement: "The seller is making no representation as to the inspection or safety of chimneys or vents on the property."

Sec. 4. 33 MRSA §459-A is enacted to read:

§459-A. Inspection reports

If a purchaser of residential real property engages an inspector to conduct an inspection of the property that does not include a comprehensive inspection of all chimneys and vents, the inspector shall provide the purchaser with a report including the statement: "This inspection does not include the condition or safety of chimneys and vents on the property."

SUMMARY

This bill requires that, in conveyances of residential real property, if the chimneys and vents of the property have not been inspected, the seller's disclosure to the buyer must state that the seller is making no representation as to the inspection or safety of the chimneys or vents and any inspector commissioned by the buyer must provide the buyer with a report stating that the inspection does not include the condition or safety of chimneys or vents on the property.