

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
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3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 10

7 H.P. 14

House of Representatives, January 5, 1983

8 Reference to the Committee on Legal Affairs suggested and ordered
9 printed.

10 EDWIN H. PERT, Clerk

11 Presented by Representative Beaulieu of Portland.

12 STATE OF MAINE
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14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT Concerning Fire Safety
18 Inspection.
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20 Be it enacted by the People of the State of Maine as
21 follows:

22 1. 25 MRSA §2360 is amended to read:

23 § 2360. Authority to enter buildings; remedy of con-
24 ditions; appeals

25 The inspector of buildings, the fire inspector and
26 the fire chief and the municipal officers of any city
27 or town may at all reasonable hours, for the purpose
28 of examination, enter into and upon all buildings and
29 premises within their jurisdiction. Whenever any of
30 said officers shall find in any building or upon any
31 premises combustibile material ~~or~~, inflammable condi-
32 tions ~~dangerous~~ or any violation of any applicable
33 municipal fire prevention ordinance which constitutes

1 a danger to the safety of such buildings or premises,
2 they shall order the same to be removed or remedied,
3 and such order shall be forthwith complied with by
4 the owner or occupant of said buildings or premises.
5 If the said owner or occupant shall deem himself
6 aggrieved by such order when made by the inspector of
7 buildings, the fire chief or the fire inspector, he
8 may within 24 hours appeal to the municipal officers,
9 and the cause of the complaint shall be at once
10 investigated by the direction of the latter and,
11 unless by their authority the order above named is
12 revoked, such order shall remain in force and be
13 forthwith complied with by said owner or occupant.
14 The inspector of buildings, the fire inspector, the
15 fire chief or the municipal officers shall make, or
16 cause to be made, an immediate investigation as to
17 the presence of combustible material ~~or~~, the exist-
18 ence of inflammable conditions or the existence of
19 any condition constituting a violation of any appli-
20 cable municipal fire prevention ordinance in any
21 building or upon any premises under their jurisdic-
22 tion, upon complaint of any person having an interest
23 in said buildings or premises or property adjacent
24 thereto. Any owner or occupant of buildings or prem-
25 ises, failing to comply with the orders of the
26 authorities above specified, shall be punished by a
27 fine of not less than \$5 for each day's neglect.

28 2. 25 MRSA §2396, sub-§6, as last amended by PL
29 1979, c. 42, is further amended to read:

30 6. Means of egress. The adequacy of means of
31 egress, in the case of fire, from factories, asylums,
32 hospitals, churches, schools, halls, theaters, amphi-
33 theaters, dormitories, apartment or rooming houses,
34 hotels, motels, all forms of new or existing residen-
35 tial housing and all other places in which numbers of
36 persons work, live or congregate from time to time
37 for any purpose which comes within the scope of the
38 current edition of the National Fire Protection Asso-
39 ciation No. 101, Life Safety Code; and

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STATEMENT OF FACT

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The purpose of this bill is to expand the investigatory powers of local and state fire prevention and protection officials.

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Section 1 enlarges the authority of local fire officials to inspect buildings by including any violation of applicable municipal fire prevention ordinances as a further ground for inspection. Many municipalities have adopted the fire safety standards of the National Fire Protection Association as ordinances. Section 1 now makes it clear that checking on compliance with these standards is a further basis for building inspection by local officials.

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Section 2 of the bill also expands the authority of the State Fire Marshal's office regarding the enforcement of the National Fire Protection Association's No. 101 Life Safety Code. Under current regulations, the State Fire Marshal's office cannot enforce this code on one-unit and 2-unit residential dwellings. Section 2 makes it clear that the relevant provisions of that code are to apply to "all forms of new or existing residential housing."

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