

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

DATE: 2-10-04

(Filing No. H-681)

CRIMINAL JUSTICE AND PUBLIC SAFETY

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1253, L.D. 1731, Bill, "An Act To Expand the State Fire Marshal's Responsibilities and To Clarify That the Commissioner of Public Safety Will Follow the Maine Administrative Procedure Act when Adopting Certain Rules"

Amend the bill by inserting after the enacting clause and before section 1 the following:

'Sec. 1. 17-A MRSA §1001, sub-§2, ¶A, as enacted by PL 1975, c. 499, §1, is amended to read:

A. "Explosives" means gunpowders, powders used for blasting all forms of high explosives, blasting materials, fuses (other than electric circuit breakers), detonators, and other detonating agents, smokeless powders, and any chemical compounds, mechanical mixtures or other ingredients in such proportions, quantities or packing that ignition by fire, by friction, by chemical reaction, by concussion, by percussion or by detonation or deflagration of the compound or material or any part thereof may cause an explosion; and'

Further amend the bill by striking out all of section 2 and inserting in its place the following:

'Sec. 2. 25 MRSA §2452, as amended by PL 2003, c. 411, §§2 and 3, is further amended to read:

§2452. Life safety and property protection

The Commissioner of Public Safety shall adopt and may amend, after notice and public hearing in accordance with the Maine Administrative Procedure Act, reasonable rules governing the

1 safety to life from fire in or around all buildings or other  
2 structures and mass outdoor gatherings, as defined in Title 22,  
3 section 1601, subsection 2, within the commissioner's  
4 jurisdiction. These rules do not apply to nursing homes having 3  
5 or fewer patients. Automatic sprinkler systems may not be  
6 required in existing noncommercial places of assembly.  
7 Noncommercial places of assembly include those facilities used  
8 for such purposes as deliberation, worship, entertainment,  
9 amusement or awaiting transportation that have a capacity of 100  
10 to 300 persons.

12 **1. Effective date.** The rules, and amendments to the rules,  
13 become effective when reviewed for form and legality by the  
14 Office of the Attorney General and a certified copy of them has  
15 been approved in writing by the Commissioner of Public Safety and  
16 filed with the Secretary of State.

18 **2. Rights declared.** Any person aggrieved by a rule or by an  
19 act of the commissioner in enforcing the rule may have that  
20 person's rights declared by bringing an action for declaratory  
21 judgment under Title 14, chapter 707, naming the commissioner as  
22 defendant.

24 **3. Violation.** A person who violates a rule issued by the  
25 commissioner under this section ~~must be punished by a fine of not~~  
26 ~~more than \$100 or by imprisonment for not more than 90 days, or~~  
27 ~~by both~~ commits a Class E crime.

28 Existing buildings licensed pursuant to Title 22, Subtitle  
30 6, having more than 6 boarders, with the exception of board and  
31 care facilities and children's homes, must comply with any rules  
32 for residential-custodial care facilities required by the  
33 Commissioner of Public Safety, except that such existing  
34 facilities of not more than 2 stories in height are not required  
35 to be fire resistive, protected or unprotected noncombustible,  
36 protected wood frame or heavy timber construction. Such existing  
37 facilities must be protected by a complete approved automatic  
38 sprinkler system and meet all other requirements of  
39 residential-custodial care facilities as required by the  
40 Commissioner of Public Safety.

42 Existing boarding care facilities licensed pursuant to Title  
43 22, ~~subtitle~~ Subtitle 6, must comply with the applicable fire  
44 safety requirements of the Life Safety Code adopted by the  
45 Commissioner of Public Safety pursuant to Title 22, section 7856.

46 Existing children's homes licensed pursuant to Title 22,  
47 Subtitle 6, must comply with the applicable fire safety  
48 requirements of the Life Safety Code of the National Fire  
49 Protection Association adopted by the Commissioner of Public  
50

COMMITTEE AMENDMENT "A" to H.P. 1253, L.D. 1731

Safety pursuant to Title 22, section 8103.'

2

4

6

8

### SUMMARY

10

12

14

This amendment updates the definition of "explosives" in Title 17-A, section 1001; amends the headnote of Title 25, section 2452 to better reflect the purpose of the law; and changes the phrase "outdoor gatherings" to "mass outdoor gatherings," as defined in the Maine Revised Statutes, Title 22, section 1601.

FISCAL NOTE REQUIRED  
(See attached)

**121st Maine Legislature  
Office of Fiscal and Program Review**



**LD 1731**

**An Act To Expand the State Fire Marshal's Responsibilities and To Clarify That the Commissioner of Public Safety Will Follow the Maine Administrative Procedure Act when Adopting Certain Rules**

**LR 2617(02)**

**Fiscal Note for Bill as Amended by Committee Amendment ""**

**Committee: Criminal Justice and Public Safety**

**Fiscal Note Required: Yes**

---

**Fiscal Note**

Minor cost increase - General Fund