

MAINE STATE LEGISLATURE

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CHAPTER 315
INVESTIGATION OF FIRE HAZARDS
AND CAUSES

Sec.

2391. Election of fire ward; duties and compensation of inspectors.
2392. Inspection by Insurance Commissioner; removal of dangerous matter; appeal; exits.
2393. Buildings repaired or demolished; complaint to enforce order.
2394. Investigation of fire origin; Insurance Commissioner may direct.
2395. Filing statement of cause of fire; record open to public.
2396. Examination of cause of fire by Insurance Commissioner.
2397. Witnesses; investigations private.
2398. Insurance companies to report all loss adjustments to commissioner.
2399. Insurance Commissioner's expenses; director; inspectors.
2400. Municipal officers to keep record of all returns.
2401. Violations.

§ 2391. Election of fire ward; duties and compensation of inspectors

Each town at its annual meeting shall elect at least one fire ward, who shall be a fire inspector and shall perform the several duties prescribed by this section and sections 2392 and 2393. If more than one fire ward is elected by any town, one of said fire wards shall be designated as fire inspector of said town, and the other fire wards shall, under the direction of the fire inspector, assist in performing the duties imposed upon said fire inspector by said sections. Fire inspectors shall receive reasonable compensation for their services, to be determined by the town. In towns and cities having an organized fire department, the chief of such fire department shall perform the duties of fire inspector. The municipal officers may authorize such fire inspectors to perform the duties imposed upon them by sections 2394, 2395 and 2397, and, when so authorized, said fire inspectors shall have all the powers thereby conferred and shall perform all the duties therein prescribed. Such fire inspectors shall furnish the Insurance Commissioner with such information as he may require and shall perform such inspections as the Insurance Commissioner may direct. When for any reason the office of fire ward is vacant or the fire ward is incapacitated and there is no organ-

ized fire department, the municipal officers may appoint one or more fire wards who shall serve until the next ensuing election of officers.

R.S.1954, c. 97, § 21.

§ 2392. Inspection by Insurance Commissioner; removal of dangerous matter; appeal; exits

The Insurance Commissioner, his deputy or the fire inspector, upon the complaint of any person or whenever he or they shall deem it necessary, may inspect or cause to be inspected all buildings and premises within their jurisdiction. Whenever any of said officers shall find any building or other structure which, for want of repairs or by reason of age or dilapidated condition or from any other cause, is especially liable to fire, or which is so situated as to endanger other property or the safety of the public, or whenever such officer shall find in or around any building combustible or explosive matter or inflammable or other conditions dangerous to the safety of such buildings, or whenever such officer shall find any building which has been gutted by fire, or whenever such officer shall find that debris remains from a building which has been destroyed by fire or otherwise, he shall order the same to be removed or remedied, and such order shall forthwith be complied with by the owner or occupant of such premises or buildings. If such order is made by any fire inspector, such owner or occupant may within 24 hours appeal to the Insurance Commissioner, who shall within 10 days review such order and file his decision thereon, and his decision shall be final and shall be complied with within such time as may be fixed in said order or decision of the Insurance Commissioner.

Every hospital, sanatorium, convalescent home, nursing home, rest home or other institution for the hospitalization or nursing care of human beings shall between sundown and sunrise maintain lighted exitways and all main exit doors shall be hung to swing outward.

R.S.1954, c. 97, § 22; 1957, c. 37; 1961, c. 243.

§ 2393. Buildings repaired or demolished; complaint to enforce order

If any person fails to comply with the order of any officer under section 2392 or with the decision of the Insurance Commissioner on review and within the time fixed, then such officer or the Insurance Commissioner may file a complaint in the Supe-

rior Court in the county where the building or premises is located to enforce the order of said officer or the Insurance Commissioner. After notice and hearing the court shall make such order, judgment or decree as law and justice may require, or the court may authorize the town to cause such building or premises to be forthwith repaired, torn down or demolished and such materials removed and all dangerous conditions remedied, as the case may be, at the expense of the town in which such property is situated. If the owner thereof, within 30 days after notice in writing of the amount of such expense, fails, neglects or refuses to repay said town the expense thereby incurred, a special tax may be assessed by the assessors against the land on which said building was located for the amount of such expenses, and such amount shall be included in the next annual warrant to the tax collector of said town for collection, and shall be collected in the same manner as other state, county and municipal taxes are collected.

R.S.1954, c. 97, § 23; 1957, c. 7; 1961, c. 317, § 287.

§ 2394. Investigation of fire origin; Insurance Commissioner may direct

When property is destroyed or damaged by fire the municipal officers in cities and towns shall immediately notify the Insurance Commissioner of the same, and shall investigate the cause, circumstances and origin of the fire, and especially examine whether it was the result of carelessness or of design. The investigation shall be commenced within 3 days after the occurrence of the fire, not including the Lord's Day, and the Insurance Commissioner may supervise and direct such investigation whenever he deems it expedient or necessary.

R.S.1954, c. 97, § 24.

§ 2395. Filing statement of cause of fire; record open to public

When the municipal officers have completed their investigation, which shall be within 2 weeks after the occurrence of the fire, they shall immediately file with the Insurance Commissioner a written statement of all the facts relating to the cause, circumstances and origin of the fire, the kind, value and ownership of the property destroyed or damaged and such other information as may be required by said commissioner. The Insurance Commissioner shall make a record of all fires investi-

gated under sections 2394 to 2401, together with all facts, statistics and circumstances connected therewith. Such record shall at all times be open to public inspection and such portions of it as the said commissioner deems expedient shall be published in his annual report to the Governor and Council.

R.S.1954, c. 97, § 25.

§ 2396. Examination of cause of fire by Insurance Commissioner

The Insurance Commissioner may, whenever he deems it expedient or advisable, examine or cause to be examined the cause, circumstances and origin of all fires occurring in the cities and towns within the State, of which he has knowledge, by which property is damaged or destroyed and may specially examine and decide whether the same was the result of carelessness or design. The Insurance Commissioner shall, when in his opinion said proceedings are necessary, take or cause to be taken the testimony on oath of all persons supposed to be cognizant of any facts or to have means of knowledge in relation to the matters as to which such examination is made, and may cause the same to be reduced to writing. If he shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson or incendiarism, he shall cause such person to be arrested and charged with such offense, and shall furnish to the proper county attorney all such evidence, together with the names of witnesses and all information obtained by him, including a copy of all pertinent and material testimony in the case.

R.S.1954, c. 97, § 26.

§ 2397. Witnesses; investigations private

The Insurance Commissioner, the deputy insurance commissioner and the municipal officers of cities and towns shall each have the power to summon and compel the attendance of witnesses before them or either of them, to testify in relation to any matter which is by sections 2394 to 2396 a subject of inquiry and investigation, and to compel the production of all books, records, documents and papers pertaining to said subject of inquiry and investigation. Said Insurance Commissioner, deputy insurance commissioner and municipal officers may administer oaths and affirmations to persons appearing as witnesses before them; and false swearing in any matter or proceeding aforesaid shall be deemed perjury and shall be punished as such. Said Insurance

Commissioner and his subordinates shall have authority, at all times of the day or night, in the performance of the duties imposed by chapters 311 to 321, to enter upon and examine any building or premises where a fire is in progress or has occurred and other buildings or premises adjoining or near the same. All investigations held by or under the direction of the Insurance Commissioner, deputy insurance commissioner or the municipal officers may in their discretion be private, and persons other than those required to be present by the provisions hereof may be excluded from the place where such investigation is held and witnesses may be kept separate and apart from one another and not allowed to communicate with one another until they have been examined.

R.S.1954, c. 97, § 27; 1963, c. 402, § 123.

§ 2398. Insurance companies to report all loss adjustments to commissioner

Every fire insurance company or association transacting business in the State shall report to the Insurance Commissioner, within 10 days after the adjustment of every loss, the amount of all policies issued by said company on the property destroyed or damaged, the amount paid or payable on account of such loss and such other information relating to the matter as the commissioner may require.

R.S.1954, c. 97, § 28.

§ 2399. Insurance Commissioner's expenses; director; inspectors

The Insurance Commissioner may incur such expense and appoint a Director of State Fire Prevention, an assistant director of state fire prevention and such supervising state fire inspectors, subject to the Personnel Law, as may be necessary to carry out all fire preventive and investigative laws, rules and regulations which he is by law empowered to administer. He may incur reasonable expenses in educating the public in fire prevention and protection. The Director of State Fire Prevention, the assistant director of state fire prevention and supervising state fire inspectors appointed under this section shall carry out those functions which the commissioner may direct. Supervising state fire inspectors shall have the same powers and duties throughout the several counties of the State as sheriffs have in their respective counties relating to fire prevention, arson and other burn-

ings. Their power and duties shall include the duty to inquire into and arrest for violations of any of the provisions of chapters 311 to 321, and to arrest for impersonation of or interference with fire inspectors.

Every fire insurance company or association which does business or collects premiums or assessments in the State shall pay to the State Tax Assessor on the first day of May, annually, in addition to the taxes now imposed by law to be paid by such companies or associations, $\frac{1}{2}$ of 1% of the gross direct premiums for fire risks written in the State during the preceding calendar year, less the amount of all direct return premiums thereon and all dividends paid to policyholders on direct fire premiums during said calendar year. The State Tax Assessor shall pay over all receipts from such tax to the Treasurer of State daily. Said funds shall be used solely to defray the expenses incurred by the Insurance Commissioner in administering all fire preventive and investigative laws, rules and regulations and in educating the public in fire safety and are appropriated for such purposes.

Whenever there shall accumulate in the special fund created by this section a surplus sufficient to defray the expenses of such administration for an ensuing period of one year, then, in the discretion of the Insurance Commissioner, the foregoing special tax for that year may be omitted, and the Insurance Commissioner shall certify to the State Tax Assessor that the special tax is to be omitted and said certification is to be made not later than the 31st day of January of the year in which the tax would otherwise be assessed. The premium tax return shall be made at the same time and in the same manner as provided for insurance premium taxes specified in Title 36, section 2516.

R.S.1954, c. 97, § 29; 1955, c. 166; 1957, c. 16, § 1; c. 429, § 81.

§ 2400. Municipal officers to keep record of all returns

Municipal officers shall record or cause to be recorded all returns made under sections 2394 to 2399.

R.S.1954, c. 97, § 30.

§ 2401. Violations

Any city or town officer or any insurance company neglecting or refusing to perform any duty required by sections 2394 to 2400 shall be punished by a fine of not less than \$10 nor more than \$100 for each offense.

R.S.1954, c. 97, § 31.