

MAINE STATE LEGISLATURE

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STATE OF MAINE
LEGISLATIVE RESEARCH COMMITTEE

SUMMARY REPORT
TO THE
ONE HUNDRED AND SIXTH LEGISLATURE

VOLUME TWO

JANUARY, 1973



STATE OF MAINE

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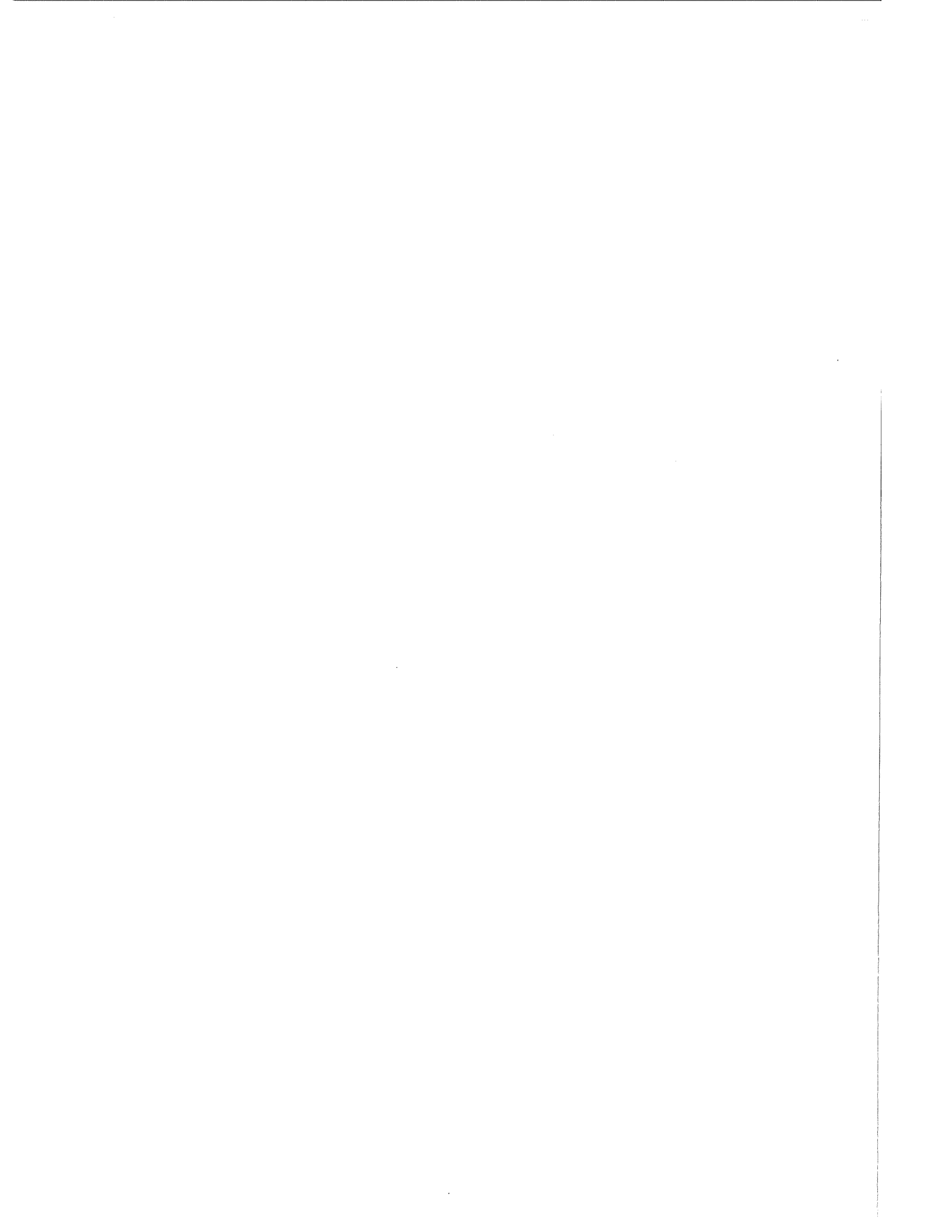
***Replaced Representative Gill

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STATE OF MAINE
LEGISLATIVE RESEARCH COMMITTEE
STATE HOUSE
AUGUSTA, MAINE 04330

January 3, 1973

To the Members of the 106th Legislature:

The Legislative Research Committee hereby has the pleasure of submitting to you Volume II of its report on activities for the past two years.

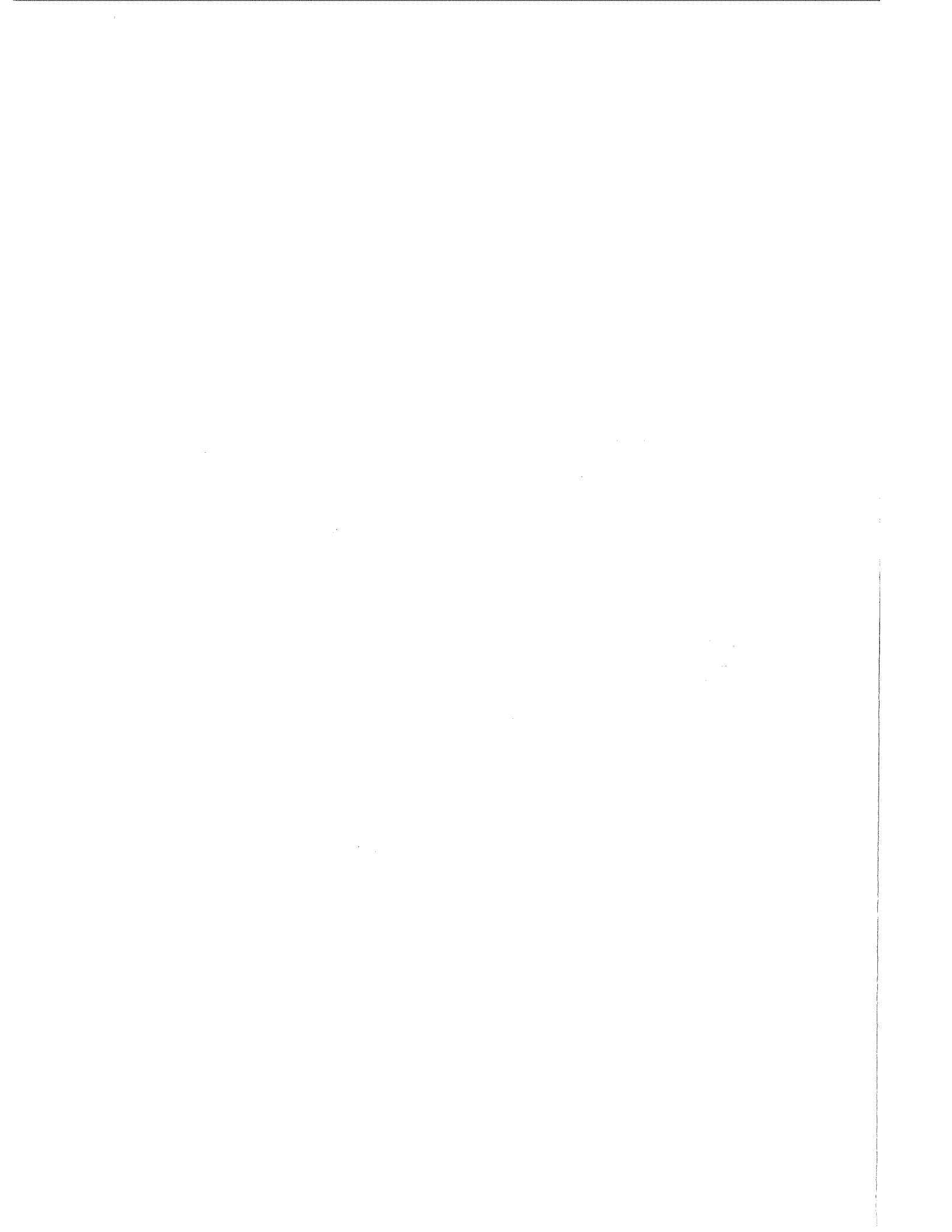
This volume, designated as the second summary volume, is a continuation of both, assigned and unassigned matters undertaken by the Committee and contains findings and recommendations pursuant thereto.

Again, we of the Committee, gratefully acknowledge our indebtedness to the many individuals, organizations and agencies for their valuable contributions to the work of the Committee and it is our hope that the information contained in this report will be of assistance to the members of the 106th Legislature and the people of the State of Maine.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "J. Sewall".

JOSEPH SEWALL, Chairman
Legislative Research Committee



STATE OF MAINE
LEGISLATIVE RESEARCH COMMITTEE

REPORT ON
STATE FIRE MARSHAL
to the
ONE HUNDRED AND SIXTH LEGISLATURE

JANUARY, 1973
Legislative Research Committee
Publication 106-23

STATE FIRE MARSHAL

WHEREAS, great concern has been expressed over the existing operation of the Fire Prevention Division of the State Insurance Department; and

WHEREAS, it has been suggested that the best interests of the public could be better served by creating an office of Fire Marshal; and

WHEREAS, this matter warrants a detailed study of a more effective system for the proper protection of the citizens of Maine; now; therefore, be it

ORDERED, the Senate concurring, that the Legislative Research Committee be authorized and directed to study the feasibility of creating the office of State Fire Marshal and conferring upon it the duties of the current Fire Prevention Division of the State Insurance Department, including, but not limited to all arson investigations, in conjunction with the office of Attorney General. Such study may also include a review of the laws of other states and recommendations of the Maine State Fire Chiefs' Association; and be it further

ORDERED, that the Fire Prevention Division of the State Insurance Department be directed to provide such technical information and other assistance as the Committee deems necessary or desirable to carry out the terms of this Order; and be it further

ORDERED, that the Committee report the results of its findings and recommendations at the next regular session of the Legislature; and be it further

ORDERED, upon passage of the joint order that copies be transmitted forthwith to said department and division as notice of the study to be undertaken.

HP 1356	House of Representatives	In Senate Chamber
Theriault	Read and Passed	Read and Passed
Rumford	May 21, 1971	June 21, 1971
	Sent up for concurrence	In concurrence

SUBCOMMITTEE ON STATE FIRE MARSHAL

CHAIRMAN - Ronald S. Wight

VICE CHAIRMAN - Edwin H. Greeley

John A. Donaghy

Harvey Johnson

Richard W. Stillings

STATE FIRE MARSHAL

The Legislative Research Committee has studied the feasibility of creating the office of State Fire Marshal and of conferring upon it the duties of the existing Fire Prevention Division of the State Insurance Department as directed by Joint Order of the 105th Legislature, House Paper 1356.

As a result of its research and study in this area, the Committee finds the proposal to have merit and therefore respectfully recommends in the best interests of the State that the office of State Fire Marshal be created and duties appropriate to it be transferred as expeditiously as possible.

The idea of creating the office of State Fire Marshal is not entirely new to Maine for in the early forties the Coconut Grove disaster in Boston, Massachusetts had the effect of startling legislative bodies in all the states into a full realization of the dangers inherent in their incomplete and unsatisfactory fire safety laws. At that time, the Legislative Research Committee of the 91st Legislature was given an opportunity to look into all aspects of adequate fire and safety laws and made a very careful study of the entire subject. One of the bills considered and dealt with at length at the time called for the creation of the office of State Fire Marshal. Although this measure did little more than substituting one officer for another and lacked the necessary research into the fundamental problem involved for passage, it

represented the considered view of those closest to the fire problem, which still prevails today, that there is a real need in this State for some form of State Fire Marshal setup.

Historically, the movement toward establishing State Fire Marshals came into being around the turn of the century to aid in the investigation of suspicious fires and to serve as a collection agency for fire loss statistics. Since that time, according to recent survey results furnished to the Committee,¹ State Fire Marshals have been established in 44 states and for the most part with considerable expansion in duties.

In the six states without fire marshals--Arizona, Colorado, Idaho, Missouri, New Jersey, and New York - the fire protection responsibilities for the state may be scattered throughout many agencies of the state government. The offices of fire marshals are organized in many different ways, partly for reasons of precedent, partly for convenience, and partly for economy. In 11 states the fire marshal's office is a separate governmental entity. In seven states it is part of the Department of Public Safety, and in 16 states it is a division of the Insurance Department. In many states the Insurance Commissioner serves as ex officio fire marshal. In five states the fire marshal is the head of a division of the State Police. Two states have the office as a division of the Attorney General. One state has the office as a division of the State Treasury; another state, as a

division of the Department of Commerce; and another state, as a division of the Department of Regulatory Agencies.

As to functions and responsibilities, "Forty-two of the 44 offices investigate fires as part of their official duties. Thirty-four offices have fire prevention education as a function. Ten offices of state fire marshal carry on fire service training; 31 offices serve as advisers to local fire departments in fire protection matters. Thirty-three offices regulate fireworks, 38 offices enforce regulations on flammable liquids, and 32 offices enforce liquefied petroleum gas regulations. Fire protection systems for buildings (e.g., fire alarm systems) are enforced by 33 state fire marshals; extinguishing systems regulations are enforced by 32 state fire marshals. Recently, more of the states have been entering the field of regulating fire extinguisher servicing. At present there are nine states that enforce such regulations."

"The budgets of 25 of the 44 officers were reported. Some of the figures were not available where the office was integrated as a part of a larger department. Those budgets reported ranged from \$40,000 to a high of \$959,000, with the median budget figure \$173,000.

Financing of State Fire Marshal Activities

Source of Finances	No. of States
General Tax Fund	17
Insurance Premium Assessment	6
Combination of Above	2
Insurance Premium and Fees	4

The salaries of the state fire marshals and their staffs were included in the survey. Most states have a salary range based on experience and length of service. In this report, the top of the salary range is presented. In determining the median of the top salaries, the salaries of ex officio fire marshals were not considered, since those fire marshals have other duties that may be reflected in their salary scales. The median of the top salaries for state fire marshals is \$12,000. The median salary for chief assistants to the fire marshal is \$9,500 (chief assistant fire marshals serving under ex officio fire marshals are included under the fire marshal). The median salary for general assistants to the fire marshal (all categories, including inspectors and investigators) is \$8,000.

In some states local communities receive grants for fire protection--e.g., in New Mexico (\$884,700 to local fire departments), Connecticut (\$50 to each fire company answering calls on limited-access highways), Illinois (funds to the University of Illinois for fire training), Nebraska (funds to the state fire school), Kentucky (funds for Fire Department aid), and Mississippi (funds to the state fire school).

Four states report that the fire marshal is an elected official (usually serving as ex officio fire marshal). In 19 states the governor appoints the fire marshal. In nine states a fire prevention board or commission appoints the fire marshal. In four states the insurance commission or the commissioner appoints the marshal. Three states use a civil service examination. In one state the marshal is appointed by the

commissioner of public safety.

The term of office of fire marshal also varies. In 27 states it is reported as indefinite. In nine states the term is four years; in one state it is six years.

The assistants to the fire marshal are appointed in various ways too. Nineteen states report that the assistants are appointed from civil service lists. In 13 states the fire marshal himself appoints his employees. In one state the governor appoints the fire marshal's assistants. In one state, the fire prevention board selects them; in one state, the commissioner of insurance. In 35 states the assistants serve in-
definite terms".

"The size of the technical staffs of the fire marshals varies--from a minimum of two people to 65. The median-size staff is 11. The following is a list of some of the titles carried by specialists on the staffs of state fire marshals:"

Accounting Officer	Fire Inspector
Architectural Plan Reviewer	Fire Investigator
Arson Investigator	Fire Prevention Engineer
Attorney	LP-Gas Inspector
Boiler Inspector	Plans and Specifications
Building Inspector	Specialist
Director of Hospital Fire	Plans Examiner
Safety Training	Plans Review Specialist
Electrical Inspector	Printing Supervisor
Engineer	School Supervisor
Explosives Technician	Training Consultant
Fire Department Instructor	

In so far as the State of Maine is concerned, the Division of State Fire Prevention was created as a division under the Insurance Department in 1937 in an attempt to combat the increasing fraudulent insurance claims resulting from set fires.

The last three decades have seen a substantial growth in the area of responsibility of the Division of State Fire Prevention, and as its title implies it broadened its scope to include a host of activities oriented toward the life safety and fire prevention field. In 1955, the division grew to a 14 man force, but since that time, due to increasing operational costs and the lack of a proportional increase in funding, it has been necessary for the division to cut back on its manpower. The division is currently operating with a Director, Assistant Director, an Inspector III and 7 Inspector II's. One of the inspectors is employed on a project basis under a federal program administered by the Social Services Unit of the Department of Health and Welfare and confines his service to Child Boarding Homes and Day Care Facilities.

The inspectors of the division also inspect on an annual basis all the other licensed Health Care Facilities regulated by the Department of Health and Welfare. The division is responsible for inspecting and licensing or permitting the following activities:

1. Dancing Facilities
2. Flammable Liquid and Liquid Petroleum Gas - storage and transportation

3. Explosives - storage and transportation
4. Motion Picture Theatres
5. Traveling Amusement Shows and Circuses
6. Mechanical Rides
7. Automobile Racing Facilities
8. Fireworks Exhibitions

The division is responsible for providing adequate exits and other safety requirements for the following:

1. Schools
2. Dormitories
3. Hotels and Motels
4. Places of Assembly
5. Mercantile
6. Offices
7. Manufacturing (on request basis)
8. Garages
9. Institutional; such as, jails and other such facilities regulated by the Department of Mental Health and Corrections.
10. State-Owned Buildings.

Up until the last two years fire arson investigation occupied approximately 25% or less of the division's time, but the past two years has seen a substantial increase in fires for which an investigation was requested. The 104th Legislature transferred the responsibility for arson investigation from the Insurance Commissioner to a shared responsibility with the Attorney General's Office who

coordinates arson investigation using men from both Fire Prevention and the State Police. As originally proposed the state police were to train several people in its detective division to work in conjunction with the members of fire prevention to investigate specific types of fires. At that time priorities were established to investigate fires in which a loss of life occurred and fires set with intent to defraud. The Attorney General's Office also agreed to provide assistance upon request to the division for fires known to be set. The state police created an Arson Division within its detective force and trained five officers in the basics of fire investigation. Since that time, however, the workload has required them to utilize their arson squad in other areas; such as, homicide and narcotics. This dilution of manpower has required this division to shoulder a greater portion of the responsibility for fire investigation and has reached the point where it requires nearly 50% of the time of the division. With the increasing number of fires that are occurring in the state, this amount of time will probably increase. Because of the additional work entailed in fire investigation and the broadening areas of the required inspectional work, there are many important areas in which the division is becoming less active. A few are:

1. Complete annual school inspections.
2. Inspection of Boys' and Girls' summer camps.
3. Summer Hotels and other transient Housing Facilities.
4. Places of Assembly; such as, Churches, Social, Religious, Political or Fraternal Halls on a basis other than for dance licensing.

5. Mercantile Establishments especially the new large Shopping Centers.
6. Regular inspections of Bulk Storage Facilities for Flammable Liquids and Flammable Gases.
7. Service Stations and Garages.
8. An on-going inspection program for Indoor and Outdoor Theatres. These are checked usually once each year for licensing purposes.
9. Stock Car Racing Tracks and Spectator Facilities are checked usually once each year for licensing purposes.
10. Licensing Dancing Facilities are checked usually once a year for licensing purposes.
11. The bureau has the authority to govern the handling and use of Explosives but at the present time, lacks enforcement capabilities due to the shortage of manpower.
12. The checking on transportation of Flammable Liquids and Explosives is handled on a hit and miss basis with no established program for an on-going enforcement procedure.
13. The division seldom checks retail outlets for hazardous materials; such as Christmas ornaments. Occasionally, on a citizen's complaint, an investigation is made and hazardous merchandise removed from sale.
14. Most importantly there is very little time or money available for a Fire Prevention Education Program which the division is required to provide by statute.

Before reviewing the Committee's findings and recommendations which are the result of many hours of study and research and of extensive consultations with informed persons conversant with the topic under study, the Committee wishes to express their individual and collective appreciation to those who have so closely assisted the Committee in its studies and deliberations and without whose cooperation the Committee could not have reached its conclusions.

The Committee also feels it should be pointed out at the outset that while reorganization of this function into the office of State Fire Marshal has been considered for many years, the Division of Fire Prevention, State Police and Attorney General's office has served the State well during the interim.

Essentially, this problem concerns the steady rise in the number of fires of suspicious origin which have occurred throughout the State in recent years and the advancement of the office of State Fire Marshal within the Department of Public Safety as a logical solution to the problem. (Appendix I)

The current trend across the country can be readily seen in the following statistics:

1965 - 34,000 fires of suspicious origin. This figure represents 3 1/2% of the total fires reported and represents a loss of 130 million dollars.

1970 - 65,000 fires of suspicious origin representing a loss of 260 million dollars.

As these figures indicate, there has been over a 100% increase in incendiary fires in the past five years and no signs in sight for future decline.

Yet on the national level, Congress passed two pieces of legislation in 1968; one to assist law enforcement agencies and the other to assist the fire services. The Safe Streets Act has been funded with hundreds of millions of dollars and has assisted in easing the plight of law enforcement agencies throughout the country. The bill designed to improve the fire services has yet to be funded, except for research.

According to testimony received by the Committee, the State Fire Prevention Division was established in 1937 in hopes of reducing some of the hazards to life and property within the State, and also in an attempt to reduce the growing number of fraudulent insurance claims due to set fires. It appears that the Division has not failed in its efforts, but rather, the problem is growing faster than money and manpower have been made available to effectively combat it.

In the very important area of fire investigations here in Maine there has been an increase in demands for services. In 1966 there were 147 fires investigated by State inspectors. This figure rose to 450 in 1971, or an increase of 200%. During this same period, 1966-1971, the complement of inspectors was increased by one.

All insurance companies doing business in Maine have an assessment levied against them in the amount of one-half (1/2) of one percent (1%) to support the Division of Fire Prevention. This tax applies to both foreign and domestic insurers.

The tax on premiums levied against the insurance companies doing business in Maine is as follows:

All foreign and alien insurers must have the premiums taxed at two percent (2%) of gross direct premiums written. Maine domestic insurers pay at the rate of one percent (1%) of gross direct premiums written.

It is estimated that assessment of this tax currently generates in excess of one hundred and fifty thousand dollars annually.

The inability of the fire services to cope with the situation as it exists today in comparison to the related efforts within the various levels of police services across the country, and more especially, here in the State of Maine, is partially given in the fact that a police officer in a community is usually a full-time man and probably chief. There are approximately 200 such officers in full-time service around the State. The fire service, on the other hand, is mostly volunteer and has less than two dozen full-time chiefs.

Another concern is the vandalism fire, as these occur at the approximate rate of 10 to 1 over fraudulent fires and arson. The testimony seemed to indicate improved capability and a few more convictions in this area could prove beneficial to the fire service.

According to testimony by representatives of insurance companies and adjustment bureau personnel before the Committee, they are particularly concerned with existing capabilities in both investigative and prosecution areas.

The Committee found in that regard that there had been no substantial change in the quality or intensity of investigation as a result of transferring responsibility for arson investigation

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from the Fire Prevention Division of the Insurance Department to the Criminal Division of the Attorney General's office. This may be attributed to the fact that when these responsibilities were transferred there was no corresponding appropriation of funds which could be used for additional staffing.

When the Attorney General's office is notified of any suspicious fire, that preliminary determination usually having been made, the office draws on both the State Police and the Division of Fire Prevention's resources for further investigation.

As a practical matter, except for the potential for better training, the transfer of arson responsibilities to the Attorney General's office has not resulted in a substantial increase in arson conviction. Spokesmen for the Criminal Division strongly favor the establishment of a State Fire Marshal's office and the transferring to it of all investigative duties. It is their feeling that there is clearly a need for 8 to 10 criminal investigators on a full-time basis with arson expertise to cope with the problem.

It has been suggested that the fire service should depend initially on local police and county sheriffs, as they are usually first on the scene, but here it must be realized that Maine is predominately rural and therefore resources are taxed to the utmost when local emergencies occur. Beyond that, such situations, including suspicious fires, are far too complex and require services of the most competent specialists available.

It is generally felt by the Committee and almost without exception by all those who testified before the Committee, that

the creation of the office of State Fire Marshal with clearly defined areas of responsibility, provision for funding of additional personnel and clarification of applicable statutes are necessary to accomplish any improvement in services to the public from a fire prevention and investigation standpoint. Merely changing the name of the Division of State Fire Prevention to that of State Fire Marshal would serve no useful purpose.

As to funding the proposed office of State Fire Marshal, it is the Committee's unanimous recommendation that all fire and casualty companies, both foreign and domestic, be assessed a tax of 1/2 of 1% to defray costs.

In essence, the office of State Fire Marshal contemplated here is not simply a matter of exchanging a new name for the Division. The office envisioned and endorsed by the Division would be independent and able to do everything the Division of Fire Prevention is presently doing, plus such expanded services as original research into hazardous material, inspection and regulation of storage of flammable liquids and explosives, regulation and use of explosives and overseeing of all other aspects of fire prevention. The intended office is seen as a vital function in government with the capability of establishing a better rapport between the State, municipalities and firefighters. The office and duties of the State Fire Marshal are not usually restricted by city, county and township lines. Thus, it can serve to coordinate the fire protection laws and requirements for the entire State. With a staff of competent specialists, the State Fire Marshal can provide fire protection service on a state-wide basis. This is particularly important to the rural areas.

Other very important programs envisioned that could be encouraged and carried out to some degree by the Fire Marshal's

office are; fire prevention programs that would reach all communities desiring it, which is the vast majority, and promotion and encouragement of "Mutual Aid Pacts" whereby several communities may plan and execute their fire defenses in a uniform and legal manner more effectively than any one community could hope to do alone.

In the words of Mr. Wesley Knight of the Maine Fire Chiefs Association, "We believe that the establishment of a 'Fire Marshal's' office within the Department of Public Safety, properly staffed and trained, will accomplish more for the citizens of this State than any other proposal we have heard or read during the past twelve years of research. We can and will support Commissioner Hennessey's proposed programs and are confident that they will eliminate most duplication of effort and promote greater efficiency throughout the complex processes that must be carried out today."

It is for these reasons that the Committee submits the following legislation and unanimously recommends its adoption:

AN ACT Creating the Office of State Fire Marshal.

Sec. 1. R.S., T. 25, § 2391, repealed and replaced.

Section 2391 of Title 25 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 2391. Election of Fire Ward; duties and compensation of Inspectors

Each municipality not having an organized fire department, at its annual meeting, shall elect at least one fire ward, who shall be a fire inspector. Such fire inspectors shall perform the duties set forth in Sections 2392, 2393, 2394 and 2395. If more than one fire ward is elected by any municipality, one of said fire wards shall be designated as fire inspector of said municipality, 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. In towns and cities having an organized fire department the chief of such fire department shall perform the duties of fire inspector. Fire inspectors so elected or designated shall receive reasonable compensation for their services, to be determined by the municipality.

When for any reason the office of fire ward is vacant or the fire ward is incapacitated and there is no organized fire department, the municipal officers may appoint a fire ward to serve until the next ensuing election of officers.

Sec. 2. R.S., T. 25, § 2392, amended. The first and third sentences of Section 2392 of Title 25 of the Revised Statutes are amended to read as follows:

The ~~Insurance-Commissioner, his deputy or the~~ State Fire Marshal and fire inspectors, 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.

If such order is made by any fire inspector, such owner or occupant may within 24 hours appeal to the ~~Insurance-Commissioner~~ Commissioner of Public Safety, 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~~ Commissioner of Public Safety.

Sec. 3. R.S., T. 25, § 2393, amended. Section 2393 of Title 25 of the Revised Statutes is amended to read as follows:

If any person fails to comply with the order of any officer under section 2392 or with the decision of the ~~Insurance Commissioner~~ Commissioner of Public Safety on review and within the time fixed, then such officer or the ~~Insurance-Commissioner~~ Commissioner of Public Safety may file a complaint in the Superior Court in the county where the building or premises is located to enforce the order of said officer or the ~~Insurance-Commissioner~~ Commissioner of Public Safety. 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~~ municipality 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~~ municipality 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~~ municipality for collection, and shall be collected in the same manner as other state, county and municipal taxes are collected.

Sec. 4. R.S., T. 25, § 2394, amended. Section 2394 of Title 25 of the Revised Statutes is amended to read as follows:

When property is destroyed or damaged by fire the municipal ~~officers-in-cities-and-towns-shall-immediately-notify~~ a-member-of-the-Department-of-Public-Safety-who-shall-notify-the ~~Attorney-General-if-arsen-is-suspected-and~~ fire inspector 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-

The Attorney General may supervise and direct such investigation whenever he deems it expedient or necessary. If arson is suspected, such municipal fire inspector shall immediately notify the State Fire Marshal or an inspector in his office who shall cause a full investigation thereof to be conducted. The State Fire Marshal and his agents or employees shall have the authority to investigate or cause to be investigated any fire or explosion within the State.

Sec. 5. R.S., T. 25, § 2395, repealed and replaced. Section 2395 of Title 25 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 2395. Filing Statement of Fire Occurrence

The municipal fire inspector shall file a written report with the State Fire Marshal each month on forms provided by his office, setting forth all of the facts relating to the cause, origin and circumstances of fires occurring within his jurisdiction, along with a description of the kind, value and ownership of the property damage or destruction with such other information as he may require.

Sec. 6. R.S., T. 25, § 2396, repealed and replaced. Section 2396 of Title 25 of the Revised Statutes is repealed and replaced as follows:

§ 2396. Office of State Fire Marshal established; appointment

The office of State Fire Marshal is hereby established

as a bureau within the Department of Public Safety. The Commissioner of Public Safety is hereby authorized and empowered to appoint, subject to the Personnel Law, a suitable person as State Fire Marshal and such inspectors, and other employees as may be necessary. The State Fire Marshal shall carry out all of the duties and responsibilities assigned to his office and such other duties as may be prescribed or delegated by the Commissioner of Public Safety and he shall devote his full time to the duties of his office.

It shall be the duty of the said State Fire Marshal and such inspectors to enforce all of the laws, ordinances, rules and regulations promulgated by the Commissioner of Public Safety or enforceable by him, directed toward and concerned with protection of the public in the following areas:

1. The prevention of fires;
2. The suppression of arson and investigation of cause, origin and circumstances of fires;
3. The storage, sale and use of combustibles, flammables and explosives;
4. The installation, maintenance or sale of automatic or other fire alarm systems and fire extinguishing equipment;
5. The construction, maintenance and regulation of fire escapes;
6. The means and adequacy of exit, in the case of fire, from factories, asylums, hospitals, churches, schools, halls, theaters, amphitheaters, dormitories, apartment or rooming houses,

hotels, motels and all other places in which numbers of persons work, live or congregate from time to time for any purpose which comes within the scope of the current edition of the National Fire Protection Association No. 101, Life Safety Code;

7. The performance of such other duties as are set forth in this and other sections of the statutes and as may be conferred or imposed from time to time by law.

The State Fire Marshal, inspectors and investigators appointed under this Title shall carry out those functions which the Commissioner of Public Safety may direct and in so doing shall have the same enforcement powers and duties throughout the State as sheriffs have in their respective counties. Such enforcement powers are to be limited in scope to enforcement of statutes, ordinances, rules and regulations concerned with fire prevention, arson and other burnings and enforcement of such other specific areas of responsibility as may by statute be assigned to the office of the State Fire Marshal and to arrest for impersonation of or interference with, the State Fire Marshal, fire investigators or fire inspectors.

Sec. 7. R.S., T. 25, § 2397, amended. The first sentence of the second paragraph of Section 2397 of Title 25 of the Revised Statutes is amended to read as follows:

The Insurance-Commissioner Commissioner of Public Safety, the Attorney General, or their designees, shall have

authority, at all times of the day or night, in the performance of the duties imposed upon them, 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.

Sec. 8. R.S., T. 25, § 2399, amended. Section 2399 of Title 25 of the Revised Statutes is amended to read as follows:

The ~~Insurance-Commissioner~~ Commissioner of Public Safety 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 burnings. 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.

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Every fire-insurance company or association, domestic or foreign, writing general lines of insurance 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, $1/2$ of 1% of the gross direct premiums for all general lines of coverage 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~~ Commissioner of Public Safety in administering this chapter and 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~~ Commissioner of Public Safety, the foregoing special tax for that year may be omitted, and the ~~Insurance-Commissioner~~ Commissioner of Public Safety 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.

Sec. 9. R.S., T. 25, § 2400, amended. Section 2400 of Title 25 of the Revised Statutes is amended to read as follows:

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

Sec. 10. R.S., T. 25, § 2401, amended. Section 2401 of Title 25 of the Revised Statutes is amended to read as follows:

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

Sec. 11. R.S., T. 25, § 2453, amended. The second paragraph of Section 2453 of Title 25 of the Revised Statutes is amended to read as follows:

No individual, partnership or corporation shall offer for sale in this State, any type of fire escape device or fire alarm systems unless first securing approval of the Insurance Commissioner ~~or-fire-inspector~~.

Sec. 12. R.S., T. 25, §§ 2451, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461 and 2462, repealed. Sections 2451,

2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461 and 2462 of Title 25 of the Revised Statutes are repealed.

Sec. 13. Personnel. All employees and officials of the former Division of Fire Prevention are transferred to the office of the State Fire Marshal and shall continue in their employment or office after the effective date of this Act without interruption of their state service.

Statement of Facts

This legislation creates the office of State Fire Marshal. The State Fire Marshal will take over the duties of the present Division of Fire Prevention in the Department of Public Safety and will do all acts which that division is presently doing plus there will be expanded services such as research into hazardous material, inspection and regulation of storage of flammable liquids and explosives and generally overseeing all other aspects of fire prevention. The intended office is seen as a vital function in government with the capability of establishing a better rapport between the State, municipalities and fire fighters. The office will become increasingly important too in order to better concentrate investigations into fires of suspicious origin. The office of State Fire Marshal was studied by a subcommittee of the Legislative Research Committee and this legislation is a result of the recommendations of that subcommittee.

STATE FIRE MARSHAL
PROPOSED ADDITIONAL PERSONNEL

	<u>1973-4</u>	<u>1974-5</u>
Salaries (8 positions)	\$63,861.60	\$67,591.60
Retirement contribution 9.20%	5,875.00	6,320.00
State's share - insurance	<u>678.00</u>	<u>678.00</u>
Total Personal Services	\$70,414.60	\$74,589.60
Auto expense (gas, oil, repairs, etc)	\$12,000.00	\$12,000.00
Expense Accounts	<u>6,800.00</u>	<u>6,800.00</u>
Total Contractual Services	\$18,800.00	\$18,800.00
Vehicles (8)	\$25,600.00	
Radios (8)	6,000.00	
Fire extinguishers (8)	<u>80.00</u>	<u> </u>
Total Capital	\$31,680.00	
TOTALS -	\$120,894.60	\$93,389.60

TABLE OF ORGANIZATION

