

MAINE STATE LEGISLATURE

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RICHARD S. COHEN
ATTORNEY GENERAL



STEPHEN L. DIAMOND
JOHN S. GLEASON
JOHN M. R. PATERSON
ROBERT J. STOLT
DEPUTY ATTORNEYS GENERAL

STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333

September 29, 1980

Honorable James K. McMahon
State Representative
Box 125
Kennebunk, Maine 04043

Re: Installation of Automatic Sprinkler Systems
in Newly Constructed Hotels

Dear Representative McMahon:

This letter responds to your request for an opinion of this office as to whether a hotel which was built before September 23, 1971 and which was subsequently destroyed by fire must install an automatic sprinkler system if it is rebuilt on its original foundation. It is the opinion of this office that a hotel rebuilt under these circumstances is required to install an automatic sprinkler system.

The statutory provision which governs the installation of sprinkler systems is the first paragraph of 25 M.R.S.A. § 2463 which provides as follows:

All new hotels constructed after September 23, 1971, of any type construction, other than fire resistive as defined in the current edition of National Fire Protection Association #220, Standard Types of Building Construction, having 2 stories or more above grade level, shall be protected by a complete approved automatic sprinkler system.

The primary intent of this law is to insure that all newly constructed hotels and motels meet a certain standard of fire safety. It was drafted in response to a number of hotel fires

in the state which had resulted in loss of life. (Legislative Record - House, May 13, 1969, p. 2037). The original bill applied to both existing and newly constructed buildings. It was amended to apply only to new buildings of three stories or more.^{1/} This exception to the sprinkler requirement was made because of the extreme difficulty of installing sprinkler systems in certain existing resort hotels that did not have available water supplies^{2/} and the fear that applying the requirement to existing buildings would cause severe economic hardship in the resort industry. Many established hotels, built in accordance with the safety regulations then in effect, would be forced out of business if required to comply with the newly enacted regulations.

This rationale for excepting existing buildings from the sprinkler requirement does not apply when a building is destroyed by fire and rebuilt. There is no reason to rely on outdated safety regulations in this case. A newly constructed building, whether built on an old or new foundation, must comply with the applicable safety requirements.

In light of the law's primary intent to save lives and the relevant legislative history, it is the opinion of this office that the term "new hotel" includes not only entirely new establishments but also all substantially rebuilt structures of an existing establishment.^{3/} Therefore, if an existing building is destroyed by fire and rebuilt, 25 M.R.S.A. § 2463 requires that it be protected by an approved sprinkler system.

I hope this information is helpful. Please feel free to contact me if I can be of any further service.

Respectfully,


RICHARD S. COHEN
Attorney General

RSC/ec

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- ^{1/} In 1971, an amendment by Chapter 240 made the sprinkler requirement applicable to new two story buildings as well. In 1979 by chapter 665 a further amendment was added, requiring all hotels not subject to the sprinkler requirement to install a complete, approved smoke, heat or fire detection system by July 1, 1981.
- ^{2/} A specific example was the Island Inn on Monhegan Island. Legislative Record - Senate, May 13, 1969, p. 2037.
- ^{3/} Compare 25 M.R.S.A. § 2448 which requires a new public building permit to repair or reconstruct an existing building which was damaged to the extent of 50% or more.