

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIRST LEGISLATURE

Legislative Document

No. 1071

H. P. 742

House of Representatives, February 5, 1963

Referred to Committee on Legal Affairs. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Philbrick of Augusta.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-THREE

AN ACT Relating to Sale and Installation of Fire Alarm Systems.

Be it enacted by the People of the State of Maine, as follows :

Sec. 1. R. S., c. 97, § 49, amended. The 2nd paragraph of section 49 of chapter 97 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. 2. R. S., c. 97, § 49-A, additional. Chapter 97 of the Revised Statutes is amended by adding a new section 49-A, to read as follows :

‘Sec. 49-A. Fire alarm systems. No person, firm or corporation shall manufacture, offer for sale, sell or install any type of fire alarm system or any type of heat activated mechanism, utilized for the protection of human beings from fire until licensed by the Insurance Commissioner. Whoever violates any of the provisions of this section shall be punished by a fine of not more than \$500 or by imprisonment for not more than 11 months for each offense. Licenses shall be issued upon payment of the fee of \$25 and are not transferable.

No such license shall be issued until the commissioner has approved of the material made by such manufacturer for protection from fire and of the manner and system of installing such system or mechanism, nor until such manufacturer has filed a bond with the commissioner in the penal sum of \$10,000, with sureties satisfactory to the commissioner, conditioned for fulfilling the guarantee agreement provided for by this section together with a written stipulation that legal process affecting such manufacturer, installer or his agent, served upon the com-

missioner for the time being, shall have the same effect as if personally served upon such manufacturer, installer or agent within the State. The manufacturer shall file with the commissioner a copy of the guarantee agreement to be issued by him, which shall be in a form approved by the commissioner and must provide in substance that in the event of failure of the system or mechanism due to defects in either manufacture, shipment or installation, to property equipped by said system or mechanism, any money paid for the equipment or installation shall be returned to the owner thereof and the damage to said building repaired. When the manufacturer has complied with the foregoing requirements and the commissioner is satisfied that the manufacturer is safe and reliable as to assets, business standing and methods and is entitled to confidence, the commissioner shall issue a license to such manufacturer, installer or agent to continue in force one year from date of issue. The license may be revoked at any time by the commissioner for good cause after hearing.

Upon written notice from a manufacturer, licensed under this section, of the appointment of a suitable person, who must be a resident of this State to act as his agent in this State, and on the presentation of a certificate of the good reputation and moral character of such person, signed by any of the elected officers of the municipality of which he is a resident, the commissioner may, if he is satisfied that the appointee is a suitable person and a resident of this State, issue to him a license as such agent. For the purposes of this section "such agent" shall be construed to mean the duly licensed resident of this State who purchases, sells and installs such system or mechanism for the protection from fire. Such license shall continue in force until the 31st day of December following the date of issue but may be revoked at any time by the commissioner for good cause after hearing.

Every agent shall, upon demand, exhibit his license to any town official, sheriff, deputy sheriff, constable, police officer and to any person to whom he sells or offers to sell alarm systems or mechanisms for the protection from fire, and shall furnish a copy of this section to every person to whom he sells such systems or mechanisms. If he neglects or refuses to do so, he shall be liable to the penalty provided in this section for acting in violation of this section.

The holder of any guarantee agreement issued under this section may bring a civil action in the name of the commissioner upon the bond provided by this section and have the same procedure and remedies thereon as in the case of official bond of sheriffs, but the amount of damages need not be first ascertained. Whenever legal process against such manufacturer is served upon the commissioner he shall take such action as is provided in the case of the service of legal process against foreign insurance companies.'