

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 220

H. P. 181

House of Representatives, January 16, 1969

Referred to Committee on State Government. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Scott of Presque Isle.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

AN ACT Transferring Arson Investigation Authority from Insurance Department to the Department of the Attorney General.

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

Sec. 1. R. S., T. 25, § 2391, amended. The 5th and 6th sentences of section 2391 of Title 25 of the Revised Statutes are amended to read as follows:

~~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 Attorney General and the Insurance Commissioner with such information as ~~he~~ they or either of them may require and shall perform such inspections as ~~the Insurance Commissioner~~ they or either of them may direct.

Sec. 2. R. S., T. 25, § 2394, amended. Section 2394 of Title 25 of the Revised Statutes is amended to read as follows:

§ 2394. Investigation of fire origin; Attorney General may direct

When property is destroyed or damaged by fire the ~~municipal officers~~ fire inspectors in cities and towns shall immediately notify the ~~Insurance Commissioner~~ Attorney General 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~~ Attorney General may supervise and direct such investigation whenever he deems it expedient or necessary.

Sec. 3. R. S., T. 25, § 2395, amended. Section 2395 of Title 25 of the Revised Statutes is amended to read as follows:

§ 2395. Filing statement of cause of fire

When the ~~municipal officers~~ **fire inspectors** have completed their investigation, ~~which shall be within 2 weeks after the occurrence of the fire~~ they shall immediately file with the Insurance Commissioner and **Attorney General** 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~~ **either the Insurance Commissioner or the Attorney General**. ~~The Insurance Commissioner shall make a record of all fires investigated 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.~~

Sec. 4. R. S., T. 25, § 2396, amended. Section 2396 of Title 25 of the Revised Statute is amended to read as follows:

§ 2396. Examination of cause of fire by Attorney General

~~The Insurance Commissioner~~ **Attorney General** 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~~ **Attorney General** may 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.~~

Sec. 5. R. S., T. 25, § 2397, amended. Section 2397 of Title 25 of the Revised Statutes is amended to read as follows:

§ 2397. Witnesses; investigations private

~~The Insurance Commissioner, the deputy insurance commissioner and the municipal officers of cities and towns~~ **Attorney General**, or his designee, 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~~ **The Attorney General**, or his

designee, 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 The Attorney General~~ or his subordinates designee shall have authority, at all times of the day or night, in the performance of the duties imposed by chapters 311 to 321 upon him, 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~~ 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.

Sec. 6. R. S., T. 25, § 2399, amended. The first paragraph of section 2399 of Title 25 of the Revised Statutes is amended to read as follows:

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 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 chapter 317, and to arrest for impersonation of or interference with fire inspectors.

Sec. 7. R. S., T. 25, § 2399, amended. The last sentence of the 2nd paragraph of section 2399 of Title 25 of the Revised Statutes is amended to read as follows:

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.

Sec. 8. R. S., T. 25, § 2400, amended. Section 2400 of Title 25 of the Revised Statutes is amended to read as follows:

§ 2400. Fire inspectors to keep record

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

Sec. 9. R. S., T. 25, § 2401, amended. Section 2401 of Title 25 of the Revised Statutes is amended to read as follows:

§ 2401. Violations

Any ~~city or town officer~~ person 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.