

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 291

H.P. 211

House of Representatives, February 21, 1989

Reference to the Committee on Legal Affairs suggested and ordered printed.

Ed Pert

EDWIN H. PERT, Clerk

Presented by Representative HICKEY of Augusta.

Cosponsored by Senator DILLENBACK of Cumberland, Representative STEVENSON of Unity and Representative TUPPER of Orrington.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

**An Act to Clarify the Position and Authority of Inspectors and Fire
Investigators in the Office of State Fire Marshal.**



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

3 Sec. 1. 25 MRSA §2396, first ¶, as amended by PL 1985, c. 785,
5 Pt. B, §111, is further amended to read:

7 The office of State Fire Marshal is hereby established as a
9 bureau within the Department of Public Safety. The Commissioner
11 of Public Safety shall appoint, as State Fire Marshal, a person
13 experienced in fire prevention work, who may be removed for cause
15 by the commissioner. The State Fire Marshal shall appoint,
17 subject to the Civil Service Law, such inspectors, investigators
and other employees as may be necessary to carry out the duties
assigned to his the office. The State Fire Marshal shall carry
out all of the duties and responsibilities assigned to his the
office and such other duties as may be prescribed or delegated by
the Commissioner of Public Safety and he the State Fire Marshal
shall devote his the marshal's full time to the duties of his the
office.

19 Sec. 2. 25 MRSA §2396, 2nd ¶, as repealed and replaced by PL
21 1973, c. 632, §6, is amended to read:

23 It shall be the duty of the said State Fire Marshal, his the
25 State Fire Marshal's deputy and any such inspectors and
investigators to enforce all of the laws, ordinances, rules and
27 regulations promulgated by the Commissioner of Public Safety or
enforceable by him the Commissioner of Public Safety, directed
toward and concerned with protection of the public in the
29 following areas:

31 Sec. 3. 25 MRSA §2396, sub-§7, as repealed and replaced by PL
33 1973, c. 632, §6, is amended to read:

35 7. Other duties. 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.

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

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STATEMENT OF FACT

Internal reorganization of the State Fire Marshal's field staff resulted in the creation of fire investigators whose primary function is the investigation and cause determination of accidental and incendiary fires. The primary function of fire inspectors is the prevention of fires through inspectional programs.

Current statute identifies fire inspectors as having law enforcement authority equal to that of sheriffs within their counties. Since the reorganization, fire inspectors are not provided with arrest powers while fire investigators are law enforcement officers with arrest powers for a variety of fire related crimes.

This bill gives fire investigators the same law enforcement authority as sheriffs have within their counties and will enable them to arrest for other crimes associated with arson investigation.