

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

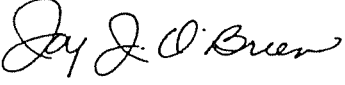
Legislative Document

No. 567

S.P. 237

In Senate, March 6, 1989

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


JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator CLARK of Cumberland.

Cosponsored by Senator WHITMORE of Androscoggin, Senator BOST of Penobscot and Representative STEVENS of Sabattus.

STATE OF MAINE

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

An Act to Regulate the Installation of Fire Sprinklers.



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

3 Sec. 1. 5 MRSA §12004-I, sub-§71-A is enacted to read:

5 71-A. Occupations: Fire Sprinkler Expenses 32 MRSA
7 Fire Protection Advisory Council Only §1379

9 Sec. 2. 32 MRSA c. 20 is enacted to read:

11 CHAPTER 20

13 FIRE SPRINKLER CONTRACTORS

15 §1371. Definitions

17 As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

19 1. Certificate of registration. "Certificate of registration" means the document issued to a person indicating that the person is a qualified fire sprinkler installation supervisor. To be eligible for registration, the person must have received a letter from the National Institute for the Certification in Engineering Technologies that the person has successfully completed the examination at Level III for fire protection automatic sprinkler systems layout provided for by law. A State of Maine licensed engineer in the field of fire protection shall be eligible as a fire sprinkler installation supervisor without passing the examination for Level III certification.

31 2. Commissioner. "Commissioner" means the Commissioner of Public Safety.

33 3. Department. "Department" means the Department of Public Safety.

35 4. Fire sprinkler installation supervisor. "Fire sprinkler installation supervisor" means an individual registered by the State as qualified to judge whether the installation, maintenance and services of fire sprinklers meet the standards provided by law and state rules.

37 5. Fire sprinkler system. "Fire sprinkler system" means an assembly of overhead piping or conduits that conveys water with or without other agents to dispersal openings or devices to extinguish, control or contain fire and to provide protection from exposure to fire or the products of combustion, designed in accordance with a national or state standard recognized by the State Fire Marshal.

1
3 6. Fire sprinkler system contractor. "Fire sprinkler
5 system contractor" means a person or organization licensed to
7 undertake, represents itself as being able to undertake or does
9 undertake the plan, sale, installation, maintenance or servicing
11 of a fire sprinkler system or any part of such a system.

13 7. Installation. "Installation" means the initial
15 placement of equipment or the extension, modification or
17 alteration of equipment after the initial placement.

19 8. License. "License" means the document issued to a
21 contractor authorizing the contractor to engage in the fire
23 sprinkler system business in this State.

25 9. Maintenance. "Maintenance" means to maintain in the
27 condition of repair that provides performance as originally
29 planned.

31 10. Service. "Service" means to maintain, repair or test.

33 §1372. Applicability

35 1. License required. Any person who undertakes to plan,
37 sell, install, maintain or service a fire sprinkler system, or
39 any part thereof, within this State must be licensed by the State
41 Fire Marshal. Fees for licensure and renewal sufficient to cover
43 their costs shall be collected. A person shall not be identified
45 as a fire system sprinkler contractor or any similar term unless
47 licensed by the State.

49 2. Fire sprinkler installation supervisor. Each fire
51 sprinkler system contractor shall employ at least one fire
sprinkler installation supervisor. Twelve months after the
termination of a fire sprinkler installation supervisor's
employment with a fire sprinkler system contractor or 12 months
after the expiration of a fire sprinkler installation
supervisor's registration, the authority of the fire sprinkler
system contractor to plan, sell, install, maintain or service
fire sprinkler systems in this State shall cease, unless the fire
sprinkler system contractor obtains a new fire sprinkler
installation supervisor. A fire sprinkler system contractor who
has lost the contractor's fire sprinkler installation supervisor
within 12 months of the supervisor's license expiration shall
qualify for a new license with the condition that the contractor
replace the fire sprinkler installation supervisor to meet the
provisions of this section. No 2 or more fire sprinkler system
contractors shall contemporaneously employ the same fire
sprinkler installation supervisor. During any period after a
fire sprinkler contractor has lost the contractor's fire
sprinkler installation supervisor and before securing a qualified

1 replacement, all plans submitted for review to the State Fire
3 Marshal shall be reviewed, approved and signed by a person who
5 has successfully completed the Level III examination from the
National Institute for the Certification in Engineering
Technologies, NICET.

7 A person who has had at least 10 years prior supervisory
9 experience in the design or installation of fire sprinkler
11 systems in the United States may qualify as a fire sprinkler
13 installation supervisor if that person applies for registration
15 before July 1, 1990, provides a sworn statement of reference from
17 3 individuals as to the person's experience and is approved by
the Advisory Council created in section 1379. Any person so
registered as a fire sprinkler installation supervisor must, in
order to be reregistered, provide proof of successful completion
of the examination of Level III of the National Institute for the
Certification in Engineering Technologies, NICET, by July 1, 1995.

19 Each fire sprinkler installation supervisor must be registered by
21 the State Fire Marshall, pursuant to rules and regulations
23 promulgated by the commissioner. Registration fees sufficient to
25 cover related costs should be charged. Within 10 days after
terminating employment with a licensed fire sprinkler system
contractor, a fire sprinkler installation supervisor shall notify
in writing the State Fire Marshal of that fact.

27 3. Posting of license. Each license issued under this
29 chapter shall be posted in a conspicuous place in the fire
31 sprinkler system contractor's place of business. A license is
not transferable.

33 4. Municipal licenses. No municipality may require fire
35 sprinkler system contractors to be municipally licensed nor shall
37 any municipality issue a permit for any fire sprinkler system
39 unless satisfied that the person applying for the permit complies
with this chapter.

41 §1373. Plan review

43 Prior to construction or addition of any life-safety fire
45 sprinkler system, as defined by the State Fire Marshal or prior
47 to an addition involving more than 20 new sprinkler heads to a
49 fire sprinkler system regulated by the National Fire Protection
Association, Rules and Guidelines, Chapter 13, a fire sprinkler
system contractor shall obtain a permit from the State Fire
Marshal review the plan for construction or alteration and charge
a reasonable fee for the review and permitting process. All
plans or drawings for construction or alteration of fire
sprinkler systems shall prominently display the fire sprinkler
system contractor's license number, as well as the fire

1 sprinkler installation supervisor's registration number. Each
2 permit issued shall be displayed prominently at the site of
3 construction or alteration.

5 **§1374. Insurance**

7 The State Fire Marshall shall not issue a license under this
8 chapter unless the applicant files with the application proof of
9 comprehensive liability insurance with coverage in an amount of
11 \$500,000 for single limit and proof of workers' compensation
12 insurance for fire sprinkler system planning, sale, installation,
13 maintenance or servicing. Proof of insurance shall consist of a
14 certificate executed by the insurer authorized to do business in
15 this State, indicating that the insurance cannot be terminated
without 30 days' prior written notice to the State Fire Marshal.

17 **§1375. Employees**

19 The commissioner may appoint, subject to the Civil Service
20 Law, such employees as may be necessary to carry out this
21 chapter. Any person so employed shall be under the
22 administrative and supervisory direction of the State Fire
23 Marshal.

25 **§1376. Fees**

27 All fees received by the department shall be paid to the
28 State Treasurer and shall be used for carrying out this chapter.
29 Any balance of these fees shall not lapse but shall be carried
30 forward as a continuing account to be expended for the same
31 purposes in the following fiscal years.

33 **§1377. Investigation of complaints; revocation of license**

35 The commissioner shall investigate or cause to be
36 investigated all complaints made to the commissioner and all
37 cases of noncompliance with or violation of this chapter. The
38 commissioner may suspend or revoke a license pursuant to Title 5,
39 section 10004. The commissioner may refuse to issue or renew a
40 license or the Administrative Court may suspend, revoke or refuse
41 to renew the license of a fire sprinkler system contractor who is
42 found guilty of:

43 1. Fraud or deceit. The practice of any fraud or deceit in
44 obtaining a license;

45 2. Negligence or misconduct. Any gross negligence,
46 incompetency or misconduct in the performance of the work of
47 making fire sprinkler installations. Continued failure to
48 conform to standards or rules adopted by the department shall be
49 prima facie evidence of gross negligence or incompetency;
50

1
3 3. Violation of law. Any violation of this chapter or any rule adopted by the department; or

5 4. Conviction of crime. Subject to the limitations of Title 5, chapter 341, conviction of a crime which involves dishonesty or false statement or which relates directly to the practice of fire sprinkler installation, or conviction of any crime for which incarceration for one year or more may be imposed.

11 The commissioner, for reasons the commissioner may deem sufficient, may reissue a license to any person whose license has been revoked.

15 §1378. Penalties; injunction

17 1. Penalties. Any person who undertakes to plan, sell, install, maintain or service a fire sprinkler system, or any part thereof, without obtaining a license or employing a registered fire sprinkler installation supervisor as required by this chapter, or after the license or registration has expired or has been suspended or revoked or temporarily suspended or revoked, or who installs or alters a system without ultimately obtaining a permit as required by this chapter is guilty of a Class E crime.

25 2. Injunction. The State may bring an action in Superior Court to enjoin any person from violating this chapter, regardless of whether proceedings have or may be instituted in Administrative Court or whether criminal proceedings have been or may be instituted.

31 §1379. Fire Sprinkler Advisory Council

33 1. Membership. The Fire Sprinkler Advisory Council established in Title 5, section 12004-I shall consist of 7 persons appointed by the commissioner as follows:

37 A. Three persons who have been actively engaged in the management of a fire sprinkler system business for not less than 5 years preceding their appointments;

41 B. One person from a municipal fire department of this State, nominated by the Maine Fire Chiefs Association;

43 C. One person from the Maine Federation of Fire Fighters;

45 D. One person who is either a fire protection engineer or a mechanical engineer licensed in this State who is involved in building construction design; and

49 E. One person from the property insurance industry, nominated by the Maine Mutual Insurance Association.

1
2. Terms of office. Members shall serve staggered 4-year
3 terms. Initial members shall have terms as follows: 3 members
4 for 2-year terms, 3 members for 3-year terms and one member for a
5 4-year term. The commissioner shall designate the term for each
6 initial member. A member may serve no more than 2 consecutive
7 4-year terms.

8
9 3. Quorum. Four members shall constitute a quorum for the
10 conduct of business.

11
12 4. Chair. The State Fire Marshal shall serve as chair of
13 the Fire Sprinkler Advisory Council, in an ex officio, nonvoting
14 role.

15
16 5. Compensation. Members shall be compensated according to
17 the provisions of Title 5, chapter 379.

18
19 6. Duties. In addition to other duties specified by the
20 commissioner, the Fire Sprinkler Advisory Council may:

21
22 A. Advise the State Fire Marshal concerning practices in
23 the fire sprinkler system industry and the rules necessary
24 to implement and administer this chapter;

25
26 B. Make recommendations to the State Fire Marshal regarding
27 forms and procedures for certificates of registration and
28 licenses, and plan reviews and fees charged for that review;
29 and

30
31 C. Advise the State Fire Marshal as to future changes that
32 this chapter may require to protect the public health,
33 safety and welfare.

34
35 **§1380. Department rules**

36
37 Following the procedures of Title 5, chapter 375, the
38 commissioner shall adopt such rules as are necessary for the
39 implementation of this chapter.

40
41 **Sec. 3. Effective date.** This law shall take effect January 1,
42 1990, except that, notwithstanding the Maine Revised Statutes,
43 Title 32, section 1371, fire sprinkler installation supervisors
44 need not be registered until July 1, 1990.

45
46 **STATEMENT OF FACT**

47
48 This bill requires that persons installing fire sprinkler
49 systems be licensed by the Department of Public Safety under
50 criteria and fees to be set by that department. Each contractor
51 must employ a person who is registered with the State as a fire
sprinkler installation supervisor, which registration requires a

1 minimum educational standard. Additionally, each individual
2 installation is to require a permit based on a review of the
3 plans for the proposed installation. The Fire Sprinkler Advisory
4 Council is created to advise the State Fire Marshal on issues
5 dealing with fire sprinkler safety.