

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1998

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Legislative Document

No. 2272

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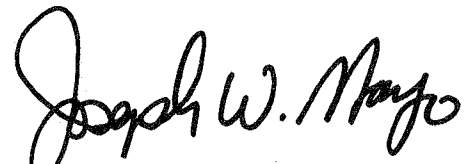
H.P. 1639

House of Representatives, March 10, 1998

**An Act to Implement Recommendations of the Fire Marshal Study Group.**

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Reported by Speaker MITCHELL for the Joint Standing Committee on Criminal Justice pursuant to Resolve 1997, chapter 10.

  
JOSEPH W. MAYO, Clerk

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

2  
4       Sec. 1. 8 MRSA §161, as amended by PL 1991, c. 464, §1, is repealed and the following enacted in its place:

6       **§161. Licenses and fees**

8       The following provisions govern the licensing of public dances.

10       1. Law enforcement. A public dance at which minors are admitted may not be held in any pavilion, hall or other building unless a law enforcement officer or, if permitted under local regulation or ordinance, a private security guard, licensed under Title 32, chapter 93, is present during the dance and unless there are in such pavilion, hall or other building separate toilets for men and women. This subsection does not apply to dances conducted by and for students in either public, private or state-owned school buildings or municipally owned buildings.

20       2. Posting of license. A building or any part of the building used for public dancing purposes, either habitually or occasionally, must have posted at all times of dances a proper license obtained from the Commissioner of Public Safety.

26       3. Application; inspection. The owner, lessee or tenant of the building shall apply for a license from the Commissioner of Public Safety. Upon receipt of an application, the Commissioner of Public Safety or the commissioner's designee shall inspect the building, including its entrances, exits, fire escapes and structural and fire safety. If the building complies with all laws and rules, the Commissioner of Public Safety shall issue a license. The license must name the owner, the name of the hall, the location in the building of the dance area and the capacity of this area for dancing.

36       4. Scope; expiration. The license covers all dancing in the building or parts of the building as stated on the license. A dancing license expires one year from the date of issue unless sooner revoked.

42       5. Fee. The fee for a dancing license is \$15. The fee must accompany the application for the license and is not refunded in those cases in which the premises are inspected. Fees collected under this section must be deposited into a special revenue account to carry out the purposes of this section. A fee is not required for the licensing of dances conducted by and for students in public, private or state-owned school buildings or municipally owned buildings.

2 6. Rules. The Commissioner of Public Safety shall adopt  
3 the necessary rules and regulations relative to the fire  
4 protection, fire prevention and structural accident prevention  
5 governing the buildings in which public dances are held.

6 Sec. 2. 8 MRSA §502, first and 3rd ¶¶, as repealed and replaced  
7 by PL 1977, c. 433, §2, are amended to read:

8  
9 The municipal officers of towns may grant licenses for any  
10 of the exhibitions or performances described in section 501, on  
11 receiving for their town a sum which that they ~~deem~~ determine  
12 proper, 24 hours or more being allowed for the exhibitions or  
13 performance as they may determine. They shall prosecute, by  
14 complaint for the use of their town, all violations of section  
15 501.

16 License fees shall must be credited to the ~~State Fire~~  
17 ~~Marshal's Office to defray expenses of that office~~ a special  
18 revenue account to defray expenses in carrying out this section.  
19 Any balance of fees shall may not lapse but shall must be carried  
20 forward as a continuing account to be expended for the same  
21 purposes in the following fiscal years.

22  
23 Sec. 3. 8 MRSA §502, 4th, 6th and 7th ¶¶, as amended by PL 1983,  
24 c. 328, are further amended to read:

25  
26 The license shall must be further conditioned that a  
27 traveling circus, traveling amusement show or amusement device  
28 being operated in a manner which that is dangerous to the safety  
29 of the public be stopped until the condition is remedied. Breach  
30 of any condition in the license shall ~~be~~ is a cause for immediate  
31 suspension or revocation of the license, at the discretion of the  
32 ~~commissioner~~ Commissioner of Public Safety.

33  
34 The exhibiting of any parade, show or entertainment of any  
35 traveling circus, traveling amusement show or amusement device  
36 contrary to this section shall ~~be deemed~~ is a civil violation,  
37 and the person, persons, firm or corporation owning or  
38 controlling the traveling circus, traveling amusement show or  
39 amusement device, or the manager or officer in charge ~~thereof~~ of  
40 the traveling circus, traveling amusement show or amusement  
41 device within the State, shall ~~be~~ is subject to a forfeiture of  
42 not more than \$1,000.

43  
44 The District Court and Superior Court in the counties where  
45 traveling circuses, traveling amusement shows or amusement  
46 devices exhibit or parade shall have jurisdiction over the  
47 offense.  
48

2           **Sec. 4. 8 MRSA §562**, as amended by PL 1979, c. 156, §§1 and  
2, is further amended to read:

4           **§562. Rules**

6           The Commissioner of Public Safety shall make, amend or  
7 rescind, after public hearing thereon, notice of which has been  
8 duly advertised in the state paper, reasonable rules and  
9 ~~regulations~~ to be enforced by ~~the State Fire Marshal~~ with respect  
10 to the location, erection, construction and maintenance of  
11 grandstands, bleachers, stadiums, arenas, fences, safety barriers  
12 or other like structures intended primarily to support or protect  
13 spectators during any type of motor vehicle racing and with  
14 respect to public liability insurance coverage required by  
15 section 561.

16           ~~Such rules and regulations shall~~ Rules become effective when  
17 reviewed for form and legality by the Office of the Attorney  
18 General and approved in writing by the Commissioner of Public  
19 Safety and when a certified copy ~~thereof~~ of the rules has been  
20 filed with the Secretary of State.

21           ~~The commissioner~~ Commissioner of Public Safety may waive the  
22 requirements of any such rules ~~or regulations~~ to cover any  
23 special circumstances or conditions when the commissioner is  
24 satisfied that ~~such~~ the special circumstances or conditions  
25 provide at least the same amount of safety to spectators at motor  
26 vehicle races that the rules ~~or regulations~~, the waiver of which  
27 is requested, were intended to provide.

28           **Sec. 5. 8 MRSA §563**, as amended by PL 1995, c. 533, §2, is  
29 further amended to read:

30           **§563. Fees**

31           The fee for the inspection of all structures and the annual  
32 license for motor vehicle raceways is \$300. The fee permits the  
33 holder of any motor vehicle raceway license to provide  
34 entertainment events such as auto thrill shows, motorcycle acts  
35 and other spectacular stunts at the licensed raceway. These  
36 events must be included in the certificate of public liability  
37 required pursuant to section 562. These fees must accompany the  
38 application and be credited to ~~the Department of Public Safety to~~  
39 ~~defray the expenses of the division~~ a special revenue account to  
40 defray expenses in carrying out this section. Any balance of  
41 these fees does not lapse but is carried forward as a continuing  
42 account to be expended for the same purposes in the following  
43 years.  
44  
45  
46  
47  
48

2           **Sec. 6. 8 MRSA §652**, as amended by PL 1991, c. 464, §4, is  
further amended to read:

4           **§652. Applications for license; inspections**

6           The owner, lessee, tenant or occupant of any building or  
place of assembly required to be licensed under section 651 shall  
8           ~~make application~~ apply to the Commissioner of Public Safety for  
that license. Upon receipt of the application, the ~~commissioner~~  
10           ~~Commissioner of Public Safety or the commissioner's designee~~  
Commissioner of Public Safety or the commissioner's designee  
shall inspect ~~or cause to be inspected that~~ the building or place  
12           of assembly to be used for theatrical or motion picture purposes  
~~to ascertain its compliance with the laws and rules.~~ If as a  
14           ~~result of the inspection the commissioner is convinced that the~~  
rules are fully complied with. If the building complies with all  
16           laws and rules, the commissioner may ~~shall~~ issue a license to the  
person desiring to operate the theatrical or motion picture  
18           production in that building. The fee for a license is \$37.50.  
All theatrical or motion picture licenses issued expire one year  
20           after date of issue unless sooner revoked. The fees are credited  
~~to the Office of the State Fire Marshal a special revenue account~~  
22           to defray the expenses of the ~~office~~ inspections. Any balance of  
those fees may ~~does~~ not lapse but must be carried forward as a  
24           continuing account to be expended for the same purposes in the  
following fiscal years.

26           **Sec. 7. 17 MRSA §323**, as enacted by PL 1975, c. 307, §2, is  
28           amended to read:

30           **§323. Access to premises**

32           Any organization making application to the Chief of the  
State Police to conduct or operate "Beano" or "Bingo," or any  
34           organization licensed under this chapter to operate "Beano" or  
"Bingo", shall permit inspection of any equipment, prizes,  
36           records or items and materials used or to be used in the conduct  
or operation of "Beano" or "Bingo" by the Chief of the State  
38           Police or ~~his~~ the chief's authorized representative.

40           The licensee shall permit at any ~~and all times any time~~ any time an  
inspector from the ~~State Fire Marshal's office,~~ Department of  
42           Public Safety or the city or town fire inspectors of the  
municipality in which "Beano" is being conducted, to enter and  
44           inspect the licensed premises.

46           **Sec. 8. 17 MRSA §345**, as amended by PL 1975, c. 410, §5, is  
further amended to read:

48           **§345. Access to premises**

50

2 Any person, firm, corporation, association or organization  
3 making application to the Chief of the State Police to conduct or  
4 operate a game of chance or any such person, firm, corporation,  
5 association or organization authorized under this chapter to  
6 operate or conduct a game of chance, shall permit inspection of  
7 any equipment, prizes, records, or items and materials used or to  
8 be used in the conduct or operation of a game of chance by the  
9 Chief of the State Police or his the chief's authorized  
10 representative.

11 Any firm, corporation, association or organization licensed  
12 to operate a game of chance shall permit at any and ~~all times~~  
13 time the State Fire Marshal or any inspector from his office,  
14 Department of Public Safety or the city or town fire inspectors  
15 of the municipality in which the licensed game is being  
16 conducted, to enter and inspect the licensed premises.

17 **Sec. 9. 22 MRSA §7904-A**, as amended by PL 1995, c. 670, Pt.  
18 A, §10 and affected by Pt. D, §5, is further amended to read:

19 **§7904-A. Fire safety inspection for residential care**  
20 **facilities**

21  
22  
23  
24 1. **Inspection required.** A license may not be issued by the  
25 department to a residential care facility until the department  
26 has received from the ~~State Fire Marshal~~ Commissioner of Public  
27 Safety a written statement signed by one of the officials  
28 designated under Title 25, section 2360, 2391 or 2392, to make  
29 fire safety inspections. This statement, which must indicate  
30 that the residential care facility has complied with applicable  
31 fire safety provisions referred to in Title 25, section 2452,  
32 must be furnished annually by ~~the State Fire Marshal~~ to the  
33 department.

34  
35  
36 2. **Fees.** The department shall establish and pay reasonable  
37 fees to the ~~State Fire Marshal~~ Commissioner of Public Safety or  
38 municipal official for each such inspection.

39  
40 3. **Requirements for facilities with 17 or more beds.** A  
41 residential care facility that has a capacity of 17 or more beds  
42 must comply with the Life Safety Code, chapter 22 or 23, the  
43 residential board and care occupancies sections for large  
44 facilities, adopted by the ~~State Fire Marshal~~ Commissioner of  
45 Public Safety. In addition, the following requirement must be  
46 met.

47  
48 A. A building of 2 or more stories must be equipped with an  
49 approved automatic sprinkler system unless the building is  
50 of fire resistive or protected noncombustible construction  
as defined in the current edition of the National Fire

Protection Association's Standard Types of Building  
Construction.

4. **Requirements for facilities with more than 6 but fewer than 17 beds.** A residential care facility that has a capacity of more than 6 but fewer than 17 beds must comply with the Life Safety Code, chapter 22 or 23, the residential board and care occupancies sections for small facilities, adopted by the State Fire-Marshal Commissioner of Public Safety. In addition, the following requirements must be met.

A. A building of 2 or more stories must be equipped with an approved automatic sprinkler system unless the building is of fire resistive or protected noncombustible construction as defined in the current edition of the National Fire Protection Association's Standard Types of Building Construction.

B. Automatic emergency lights must be provided in the number and location required by the State--Fire--Marshal Commissioner of Public Safety.

5. **Requirements for residential care facilities with 6 or fewer beds.** The department may permit any residential care facility having 6 or fewer ambulatory residents who can evacuate the facility without the assistance of another person in 2 or less minutes or less to comply with the one-family and 2-family dwelling requirements of the Life Safety Code adopted-by-the State-Fire-Marshal.

7. **Local regulations.** A local regulation that affects the life-safety requirements of a residential care facility and that is more stringent than those referred to in this section takes precedence.

Sec. 10. 22 MRSA §7904-B, as enacted by PL 1995, c. 670, Pt. A, §11 and affected by Pt. D, §5, is amended to read:

**§7904-B. Fire safety inspection for congregate housing services facilities**

In accordance with this section, the department shall adopt rules pursuant to Title 5, chapter 375 for the inspection of licensed congregate housing facilities by the Office-of-the-State Fire-Marshal Commissioner of Public Safety or the commissioner's designee and the fees for that inspection. Rules regarding fees adopted pursuant to this section are major substantive rules as defined by Title 5, chapter 375, subchapter II-A.



2 1. **Permits; inspection.** Construction and renovation of  
3 congregate housing facilities ~~requires~~ require a construction  
4 permit from the ~~Office of the State Fire Marshal~~ Commissioner of  
5 Public Safety. Prior to licensure all congregate housing  
6 facilities must be inspected by the ~~Office of the State Fire~~  
7 ~~Marshal~~ Commissioner of Public Safety or the commissioner's  
8 designee at the request of the department. All licensed  
9 congregate housing facilities must be inspected upon performing  
10 renovations and must be reinspected every 2 years.

11 2. **Certificate of compliance.** The ~~Office of the State Fire~~  
12 ~~Marshal~~ Commissioner of Public Safety shall issue a certificate  
13 of compliance to the department.

14 3. **Requirements.** All licensed congregate housing  
15 facilities must be inspected using Chapter 18, New Apartment  
16 Buildings, of the National Fire Protection Association Life  
17 Safety Code 101, 1994 edition and must be protected throughout by  
18 an approved, supervised, automatic sprinkler system.

19 **Sec. 11. 22 MRSA §7912-A**, as amended by PL 1993, c. 661, §§17  
20 and 18, is further amended to read:

21 **§7912-A. Nonambulatory and mobile nonambulatory**  
22 **residents; permanently disabled**

23 A residential care facility that has 8 or fewer beds may not  
24 have residents who are nonambulatory or mobile nonambulatory  
25 unless the reason for the condition is temporary except as  
26 follows.

27 1. **General requirements.** The Department of Human Services  
28 may permit up to 2 beds in the facility for nonambulatory or  
29 mobile nonambulatory residents if the following conditions are  
30 met.

31 A. The facility conforms to the residential board and care  
32 occupancy section for small facilities of the National Fire  
33 Protection Association Life Safety Code, chapter 21, as  
34 adopted by the ~~State Fire Marshal~~ Commissioner of Public  
35 Safety. If there is an interconnected smoke detection  
36 system and a direct exit from the bedroom, the requirement  
37 for construction type or a sprinkler system may be waived.

38 B. There are no more than 2 mobile nonambulatory or one  
39 nonambulatory and one mobile nonambulatory residents. Any  
40 facility housing more than one nonambulatory resident must  
41 meet the requirements of subsection 2.

2 C. All nonambulatory and mobile nonambulatory residents  
shall must be housed on the first floor of the facility with  
4 direct egress to a common corridor with 2 exits leading  
directly to the exterior of the facility.

6 D. Facilities with 7 and or 8 beds shall must be ramped to  
grade at both exits referred to in paragraph C. Facilities  
8 with 6 or fewer beds shall must be ramped to grade at one  
exit. Facilities with 6 or fewer beds with a nonambulatory  
10 resident shall must be ramped to grade at both exits.

12 E. There shall must be at least one staff person available  
on the premises of the facility when any resident is  
14 present. Additional staff may be required at night at the  
direction of the ~~Office of the State Fire Marshal~~  
16 Commissioner of Public Safety.

18 F. If a facility with 7 or 8 beds is of new construction,  
any doorway in the path of egress for a nonambulatory or  
20 mobile nonambulatory resident shall must be at least 36  
inches in width. If the facility is of existing  
22 construction constructed after 1989, any doorway in the path  
of egress for a nonambulatory or mobile nonambulatory  
24 resident shall must be at least 34 inches in width, ~~and~~.

26 2. **Requirements when number of nonambulatory or mobile  
nonambulatory residents exceed limits.** Residential care  
28 facilities may provide services to more residents who are  
nonambulatory or mobile nonambulatory than allowed under  
30 subsection 1 if, in addition to those requirements:

32 A. The structure meets all the requirements of the  
residential board and care occupancy section for small  
34 facilities of the National Fire Protection Association Life  
Safety Code, chapter 22 or 23. The structure must be of  
36 protected wood frame construction unless it is provided with  
either a National Fire Protection Association Standard No.  
38 13 or a Life Safety sprinkler system. Additional staff may  
be required at the direction of the ~~Office of the State Fire~~  
40 ~~Marshal~~ Commissioner of Public Safety.

42 **Sec. 12. 22 MRSA §8103**, as amended by PL 1989, c. 502, Pt. A,  
§85, is further amended to read:

44 **§8103. Fire safety; exceptions**

46 1. **Procedures.** All procedures and other provisions  
48 included in section 7904-A, subsections 1 and 2, for boarding  
care facilities shall also apply to children's homes, except that  
50 the written statement referred to in section 7904-A, subsection

1, need not be furnished annually by the ~~State Fire Marshal~~  
2 Commissioner of Public Safety to the department when a children's  
home serves only one or 2 children.

4  
2. **Temporary license.** The department may issue a temporary  
6 license to operate a family foster home, as defined by section  
8101, subsection 3, without complying with subsection 1, prior to  
8 issuing the license, ~~provided that~~ as long as a preliminary  
evaluation of the home reveals no obvious fire safety violations.

10  
12 **Sec. 13. 22 MRSA §8304-A**, as amended by PL 1997, c. 494, §13  
and affected by §15, is further amended to read:

14 **§8304-A. Fire safety**

16 1. **Inspection required.** As an ongoing condition of  
licensure or registration, the ~~Office of the State Fire Marshal~~  
18 Commissioner of Public Safety must provide annually to the  
department a written statement that the day-care facility  
20 complies with applicable fire safety rules adopted pursuant to  
Title 25, section 2452. The Commissioner of Public Safety shall  
22 adopt rules in accordance with the Maine Administrative Procedure  
Act to implement this subsection. The rules must provide for at  
24 least the following.

26 A. ~~The State Fire Marshall~~ Commissioner of Public Safety  
shall issue a fire safety technician certificate to any  
28 person who successfully completes a training course  
established by the ~~Office of the State Fire Marshal~~  
30 Department of Public Safety. A person who receives a fire  
safety technician certificate pursuant to this paragraph may  
32 perform fire safety inspections under this section.

34 B. In addition to ongoing certification requirements,  
inspection and certification are required under this section  
36 whenever a day-care facility changes or augments a heating  
system or makes major structural alterations to the facility.

38  
1. **Inspection required.** As an ongoing condition of  
40 licensure or certification, the ~~Office of the State Fire Marshal~~  
Commissioner of Public Safety must provide at least biennially to  
42 the department a written statement that the day-care center,  
nursery school or certified home day care ~~providers~~ provider  
44 complies with applicable fire safety rules adopted pursuant to  
Title 25, section 2452. The Commissioner of Public Safety shall  
46 adopt rules in accordance with the Maine Administrative Procedure  
Act to implement this subsection. The rules must provide for at  
48 least the following.

2 A. ~~The State-Fire-Marshall~~ Commissioner of Public Safety  
shall issue a fire safety technician certificate to any  
4 person who successfully completes a training course  
established by the ~~Office--of--the--State--Fire--Marshal~~  
6 Department of Public Safety. A person who receives a fire  
safety technician certificate pursuant to this paragraph may  
8 perform fire safety inspections under this section.

10 B. In addition to ongoing license or certification  
requirements, inspection and certification are required  
12 under this section whenever a day-care center, nursery  
school or certified home day care provider changes or  
14 augments a heating system or makes major structural  
alterations to the center or home.

16 2. **Fees.** The department shall establish and pay reasonable  
fees to the ~~State-Fire-Marshall~~ Department of Public Safety for  
18 services rendered under this section. Fees collected by the  
~~State-Fire-Marshall~~ Department of Public Safety under this section  
20 must be deposited into a special revenue account to carry out the  
purposes of this section. A balance remaining in the account at  
22 the end of the fiscal year may not lapse but must be carried  
forward into subsequent fiscal years.

24 3. **Inspectors.** The Commissioner of Public Safety may  
26 appoint subject to the Civil Service Law employees needed to  
carry out the purposes of this section. A person appointed  
28 pursuant to this subsection is under the administrative and  
supervisory direction of the ~~State-Fire-Marshall~~ Commissioner of  
30 Public Safety.

32 **Sec. 14. 22 MRSA §8403**, as enacted by PL 1975, c. 709, §2, is  
amended to read:

34 **§8403. Fire safety**

36 1. **Inspection required.** ~~No~~ A license shall may not be  
38 issued by the department for a nursery school until the  
department has received from the ~~State-Fire-Marshall~~ Commissioner  
40 of Public Safety a written statement signed by one of the  
officials designated in Title 25, ~~sections~~ section 2360, 2391 or  
42 2392 to make fire safety inspections.

44 2. **Requirements.** This written statement, ~~which shall~~ must  
be furnished, ~~annually,--by--the--State--Fire--Marshal~~ to the  
46 department, ~~shall~~ and must indicate that the nursery school has  
48 complied with at least the requirements of the Life Safety Code  
of the National Fire Protection Association ~~as--adopted--by--the~~  
State-Fire-Marshall, ~~which~~ that are specified in:

2 A. The family day care homes section, if the nursery school  
has at least 3 but no more than 6 children per session; or

4 B. The group day care homes section, if the nursery school  
has at least 7 but no more than 20 children per session; or

6 C. The child day care centers section, if the nursery  
8 school has more than 20 children per session.

10 3. **Fees.** The department shall establish and pay reasonable  
12 fees to the ~~State-Fire-Marshal~~ Department of Public Safety or  
14 municipal officials for each such inspection. Fees collected by  
16 the Department of Public Safety must be deposited into a special  
revenue account to defray expenses in carrying out this section.  
Any balance of fees may not lapse but must be carried forward as  
a continuing account to be expended for the same purposes in the  
following fiscal years.

18 **Sec. 15. 22 MRSA §8605**, as enacted by PL 1987, c. 389, §5, is  
20 amended to read:

22 **§8605. Fire safety**

24 1. **Inspection required.** No A license may not be issued by  
26 the department for an adult day care program until the department  
28 has received from the ~~State-Fire-Marshal~~ Commissioner of Public  
Safety a written statement signed by one of the officials  
30 designated under Title 25, section 2360, 2391 or 2392 to make  
32 fire safety inspections. This statement, ~~which shall~~ must  
indicate that a facility has complied with the applicable fire  
safety provisions referred to in subsection 2 and Title 25,  
section 2452, ~~shall~~ and must be furnished annually ~~by the State~~  
~~Fire-Marshal~~ to the department.

34 2. **Life Safety Code.** The written statement ~~which shall~~  
36 must be furnished annually ~~by the State-Fire-Marshal~~ to the  
department ~~shall~~ and must indicate that the adult day care  
38 program has complied with at least the requirements of the Life  
Safety Code of the National Fire Protection Association as  
40 ~~adopted by the State-Fire-Marshal~~ which that are specified in:

42 A. The family day care homes section, if the adult day care  
program has no more than 6 adults per session;

44 B. The group day care homes section, if the adult day care  
46 program has at least 7 but no more than 12 adults per  
session; or

48 C. The child day care section, if the adult day care  
50 program has more than 13 adults per session.

2           3. Fees. The department shall establish and pay reasonable  
4 fees to the ~~State-Fire-Marshal~~ Department of Public Safety or  
6 municipal official for each such inspection. Fees collected by  
8 the Department of Public Safety must be deposited into a special  
10 revenue account to defray expenses in carrying out this section.  
12 Any balance of fees may not lapse but must be carried forward as  
14 a continuing account to be expended for the same purposes in the  
16 following fiscal years.

18           Sec. 16. 25 MRSA §2392, as amended by PL 1979, c. 58, §§1 and  
20 2, is further amended to read:

22           **§2392. Inspection by State Fire Marshal; removal of**  
24 **dangerous matter; appeal; exits**

26           The State Fire Marshal or ~~fire~~ public safety inspectors,  
28 upon the complaint of any a person or whenever they shall ~~deem~~  
30 determine it necessary, may inspect ~~or-cause-to-be-inspected~~ all  
32 buildings and premises within their jurisdiction. ~~Said-officers~~  
34 The State Fire Marshal or a public safety inspector may forbid  
36 the use of any a building or other structure which, that does not  
38 conform to the laws, ordinances, and rules and ~~regulations~~  
40 promulgated adopted by the Commissioner of Public Safety or  
42 enforceable by ~~him~~ the commissioner, pursuant to section 2396  
44 which, and that creates a danger to other property or to the  
46 public. Any ~~such-officer~~ The State Fire Marshal or a public  
48 safety inspector shall serve an order in writing upon the owner  
50 and the occupant, if any, to repair or remove the building or  
structure or part ~~thereof~~ of the building or structure and to  
vacate ~~sueh~~ the building or structure within a reasonable time to  
be stated in the order. The owner or occupant may within 24 hours  
appeal ~~from-such-an~~ the order to the Commissioner of Public  
Safety, who shall, within 30 days after notice to the owner or  
occupant and a hearing ~~thereon~~, review ~~sueh~~ the order and file  
~~his~~ a decision thereon and ~~his~~ The commissioner's decision shall  
be is final and shall must be complied with within such time as  
may be fixed in ~~said~~ the order or decision of the ~~Commissioner-of~~  
Public-Safety commissioner.

Any An owner or occupant who neglects to comply with ~~sueh~~  
the order shall is guilty of a Class E crime, except that a  
fine of not less than \$100 shall must be imposed for each  
conviction.

Every hospital, sanatorium, convalescent home, nursing home,  
rest home or other institution for the hospitalization or nursing  
care of human beings shall must between sundown and sunrise  
maintain lighted exitways and all main exit doors shall must be  
hung to swing outward.

2           **Sec. 17. 25 MRSA §2396, first ¶**, as amended by PL 1991, c. 837,  
Pt. A, §57, is further amended to read:

4  
6           The ~~office~~ Office of ~~the~~ State Fire Marshal is established  
8 as a bureau within the Department of Public Safety. The  
10 Commissioner of Public Safety shall appoint, as State Fire  
12 Marshal, a person experienced in fire prevention work, who may be  
14 removed for cause by the commissioner. The State Fire Marshal or  
16 the Commissioner of Public Safety or the commissioner's designee  
18 shall appoint, subject to the Civil Service Law, such  
investigators, inspectors and other employees as are necessary to  
carry out the duties assigned to the office. The State Fire  
Marshal has and the Commissioner of Public Safety or the  
commissioner's designee have all of the duties and  
responsibilities assigned to the office ~~and such other duties as~~  
~~may be prescribed or delegated by the Commissioner of Public~~  
~~Safety and the State Fire Marshal shall devote full time to the~~  
~~duties of the office.~~

20           **Sec. 18. 25 MRSA §2396, 2nd ¶**, as amended by PL 1991, c. 837,  
22 Pt. A, §58, is further amended to read:

24           ~~It is the duty of the~~ The State Fire Marshal, the State Fire  
26 Marshal's deputy and any public safety inspectors and  
investigators ~~to shall~~ enforce all of the laws, ordinances and  
28 rules adopted by the Commissioner of Public Safety or enforceable  
by the Commissioner of Public Safety, directed toward and  
concerned with protection of the public in the following areas:

30           **Sec. 19. 25 MRSA §2396, sub-§1**, as amended by PL 1979, c. 43,  
32 is further amended to read:

34           **1. Fires.** The prevention and containment of fire and the  
protection of life and property ~~therefrom~~ from fire;

36           **Sec. 20. 25 MRSA §2396, sub-§7**, as amended by PL 1991, c. 837,  
38 Pt. A, §59, is further amended to read:

40           **7. Other duties.** The performance of such other duties as  
are set forth in this and other sections of the statutes and as  
42 may be conferred or imposed from time to time by law. The State  
Fire Marshal, the State Fire Marshal's deputy and investigators  
44 appointed under this Title shall carry out those functions that  
the Commissioner of Public Safety may direct and in so doing have  
46 the same enforcement powers and duties throughout the State as  
sheriffs have in their respective counties. The enforcement  
48 powers are to be limited in scope to enforcement of statutes,  
ordinances and rules concerned with fire prevention, arson and  
50 other burnings and enforcement of such other specific areas of

responsibility as are assigned to the ~~office~~ Office of ~~the~~ State Fire Marshal by statute, and to arrest for impersonation of or interference with, the State Fire Marshal, the State Fire Marshal's deputy or their designees.

Sec. 21. 25 MRSA §2396-A is enacted to read:

**§2396-A. Public safety inspector, defined**

For purposes of this Part, unless the context indicates otherwise, "public safety inspector" means an inspector acting under the direction of the Commissioner of Public Safety or the commissioner's designee.

Sec. 22. 25 MRSA §2444, as amended by PL 1971, c. 592, §35, is further amended to read:

**§2444. Transportation of explosives**

As a condition to the granting of a permit or license to transport explosives, the Commissioner of Public Safety may require that the vehicle used in transportation of explosives may be accompanied by a representative of the commissioner, ~~who shall be paid mileage by the person to whom the license is issued at the rate allowed to fire inspectors by the State for the use of his car.~~ This condition is not applicable to loads of 4,000 pounds or less. ~~"Explosives" referred to herein shall~~ does not include petroleum products.

Sec. 23. 25 MRSA §2450, as amended by PL 1993, c. 410, Pt. X, §4, is further amended to read:

**§2450. Examinations by Department of Public Safety**

The Commissioner of Public Safety shall adopt, in accordance with requirements of the Maine Administrative Procedure Act, a schedule of fees for the examination of all plans for construction, reconstruction or repairs submitted to the ~~Office of the State Fire Marshal~~ Department of Public Safety. A fee charged pursuant to this section may not exceed \$450. The fees must be credited to ~~the State Fire Marshal to defray the expenses of that office~~ a special revenue account to defray expenses in carrying out this section. Any balance of the fees may not lapse, but must be carried forward as a continuing account to be expended for the same purpose in the following fiscal years.

Sec. 24. 25 MRSA §2452, as amended by PL 1985, c. 770, §17, is further amended to read:



§2452. Exits

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The Commissioner of Public Safety shall adopt and may amend, after notice and public hearing, reasonable rules governing the safety to life from fire in all buildings or other structures within ~~his~~ the commissioner's jurisdiction. These rules shall ~~do~~ not apply to nursing homes having 3 or ~~less~~ fewer patients. Automatic sprinkler systems shall ~~may~~ not be required in existing noncommercial places of assembly. Noncommercial places of assembly shall include those facilities used for such purposes as deliberation, worship, entertainment, amusement or awaiting transportation ~~which~~ that have a capacity of 100 to 300 persons.

1. **Effective date.** The ~~regulations~~ rules, and amendments thereto ~~to the rules~~, become effective when reviewed for form and legality by the Office of the Attorney General and a certified copy of them has been approved in writing by the Commissioner of Public Safety and filed with the Secretary of State.

2. **Rights declared.** Any person aggrieved by a ~~regulation~~ rule or by an act of the commissioner in enforcing ~~it~~ the rule may have ~~his~~ that person's rights declared by bringing an action for declaratory judgment under Title 14, chapter 707, naming the commissioner as defendant.

3. **Violation.** Any ~~A~~ person who violates a ~~regulation~~ rule issued by the commissioner under this section shall ~~must~~ be punished by a fine of not more than \$100 or by imprisonment for not more than 90 days, or by both.

~~Existing-buildings~~ Buildings licensed pursuant to Title 22, subtitle 6, having more than 6 boarders, with the exception of boarding care facilities, shall ~~must~~ comply with any rules for residential-custodial care facilities required by the ~~State-Fire Marshal's-Office~~ Commissioner of Public Safety, except that such existing facilities of not more than 2 stories in height shall ~~not--be~~ are required to be fire resistive, protected or unprotected noncombustible, protected wood frame or heavy timber construction. Such existing facilities must be protected by a complete approved automatic sprinkler system and meet all other requirements of residential-custodial care facilities as required by the ~~State-Fire-Marshall's-Office~~ Commissioner of Public Safety.

~~Existing-boarding~~ Boarding care facilities licensed pursuant to Title 22, subtitle 6, shall ~~must~~ comply with the applicable fire safety requirements of the Life Safety Code adopted by the ~~State--Fire-Marshall~~ Commissioner of Public Safety pursuant to Title 22, section 7904-A.

2           **Sec. 25. 25 MRSA §2463, 4th ¶**, as amended by PL 1991, c. 359,  
is further amended to read:

4           ~~The State Fire Marshal, or the marshal's designee, The~~  
5           ~~Commissioner of Public Safety or the commissioner's designee~~  
6           shall inspect all systems installed pursuant to this section and  
7           shall approve all systems which that comply with this section,  
8           except that when the hotel is located in a municipality which  
9           that has a municipal fire department or incorporated volunteer  
10           fire department, that department is responsible for the  
11           inspection and approval of the system, unless the ~~State Fire~~  
12           ~~Marshal Commissioner of Public Safety~~ agrees to undertake that  
responsibility.

14           **Sec. 26. 25 MRSA §2464, sub-§1**, as amended by PL 1997, c. 95,  
15           §1, is further amended to read:

18           **1. Definition.** "Smoke detector" means any a device that,  
19           when activated by the presence of smoke, provides an alarm  
20           suitable to warn the occupants within the individual dwelling  
21           unit in which it is attached and that has been ~~approved for use~~  
22           ~~in this State by the State Fire Marshal~~ listed for use by a  
23           nationally recognized independent testing laboratory.

24           **Sec. 27. 25 MRSA §2464, sub-§3**, as amended by PL 1985, c. 175,  
25           is further amended to read:

28           **3. Multiapartment buildings.** In multiapartment buildings  
29           more than 3 stories in height, approved smoke detectors shall  
30           must also be installed in each corridor and hallway on each  
31           floor.

32           **Sec. 28. 25 MRSA §2464, sub-§4**, as enacted by PL 1981, c. 399,  
33           §1, is repealed.

36           **Sec. 29. 25 MRSA §2464, sub-§5**, as enacted by PL 1981, c. 399,  
37           §1, is amended to read:

40           **5. Penalties.** Whoever A person who violates this section is  
41           guilty of a civil ~~infraetien~~ violation and ~~shall-be~~ is subject  
42           to a forfeiture of not more than \$500 for each violation. The  
43           court may waive any penalty or cost against any violator upon  
44           satisfactory proof that the violation was corrected within 10  
45           days of the issuance of a complaint.

46           **Sec. 30. 25 MRSA §2465, sub-§§2 and 3**, as amended by PL 1991,  
47           c. 714, §7, are further amended to read:

50           **2. Prohibitions.** Ne A person may not, for compensation,  
51           construct or install any vent or solid fuel burning appliance  
52           unless constructed or installed in accordance with the provisions

2 of the National Fire Protection Association Code #211, "The  
Standards for Chimneys, Fireplaces, Vents and Solid Fuel Burning  
4 Appliances." Construction and installation of chimneys and  
fireplaces are governed by Title 32, chapter 33.

6 **3. Enforcement.** Subject to Title 32, chapter 33, the ~~Fire~~  
~~Marshal Commissioner of Public Safety~~ or the marshal's  
8 ~~commissioner's~~ designees, state oil and solid fuel compliance  
officers, duly appointed fire chiefs or their designees, and  
10 municipal building inspectors and code enforcement officers may  
enforce the requirements of "The Standards for Chimneys,  
12 Fireplaces, Vents and Solid Fuel Burning Appliances" and Title  
32, section 2313-A.

14  
16 **Sec. 31. 25 MRSA §2465, sub-§5-A,** as amended by PL 1989, c.  
501, Pt. DD, §32, is further amended to read:

18 **5-A. Safety information.** ~~No~~ A new factory-built fireplace,  
fireplace stove or solid fuel burning room heater may not be sold  
20 in retail trade, unless the seller provides the buyer, on or  
before the sale, with an installation instruction manual or, in  
22 the case where such a manual is not available, with a publication  
of the Department of Economic and Community Development  
24 containing recommended clearances the same as those prescribed in  
the National Fire Protection Association Code #211, The Standards  
26 for Chimneys, Fireplaces, Vents and Solid Fuel Burning  
Appliances, as approved by the ~~Office of the State Fire Marshal~~  
28 ~~Commissioner of Public Safety.~~

30 **Sec. 32. 32 MRSA §1371, sub-§§1, 5, 6 and 9,** as enacted by PL  
1989, c. 247, §§2 and 4, are amended to read:

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34 **1. Certificate.** "Certificate" means the document issued by  
the ~~State Fire Marshal~~ commissioner to a person indicating that  
36 the person is certified by the State as qualified to perform the  
job indicated in that document.

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

46 **6. Fire sprinkler system contractor.** "Fire sprinkler  
system contractor" means a person licensed by the ~~State Fire~~  
48 ~~Marshal~~ commissioner to undertake the planning, installation or  
inspection of a fire sprinkler system or any part of such a  
50 system.

2           **9. License.** "License" means the document issued by the  
3 ~~State-Fire-Marshall~~ commissioner to a contractor authorizing the  
4 contractor to engage in the fire sprinkler system business in  
5 this State.

6           **Sec. 33. 32 MRSA §1372**, as enacted by PL 1989, c. 247, §§2  
7 and 4, is amended to read:

10       **§1372. Applicability**

12           **1. State requirements.** The following documentation is  
13 required for persons involved in the installation of fire  
14 sprinklers.

16           A. Any person who undertakes planning or installation of a  
17 fire sprinkler system, or any part of the system, within  
18 this State must be licensed as a fire sprinkler system  
19 contractor ~~by the State-Fire-Marshall~~. A person shall may  
20 not be identified as a fire sprinkler system contractor or  
21 any similar term unless licensed by the State.

22           B. Any person who undertakes the review, approval and  
23 signing required for plans prior to submission to the ~~State~~  
24 ~~Fire-Marshall~~ Department of Public Safety must be certified  
25 by the ~~State-Fire-Marshall~~ commissioner. A person shall may  
26 not be identified as a certified responsible managing  
27 supervisor unless certified by the ~~State Fire-Marshall~~.

30           C. Any person who inspects a fire sprinkler system, other  
31 than a certified responsible managing supervisor or an agent  
32 of municipal or State Government or licensed insurer who  
33 inspects a system in performing that person's duties for  
34 that government or insurer, must be registered by the ~~State~~  
35 ~~Fire-Marshall~~ commissioner.

36           **2. Posting of licenses, certificates and registrations.**  
37 Each license, certificate and registration issued under this  
38 chapter shall must be posted in a conspicuous place in the place  
39 of business of the person to whom it is issued. A license,  
40 certificate or registration is not transferable.

42           **3. Municipal licenses.** No A municipality may not require  
43 fire sprinkler system contractors to be municipally licensed nor  
44 shall may any municipality issue a permit for any fire sprinkler  
45 system unless satisfied that the person applying for the permit  
46 complies with this chapter.

48           **Sec. 34. 32 MRSA §1375**, as enacted by PL 1989, c. 247, §§2  
49 and 4, is amended to read:

2           **§1375. Qualifications**

4           1. **Fire sprinkler system contractor.** The State--Fire  
6           Marshal commissioner shall issue a fire sprinkler system  
8           contractor license to any person who retains, either by  
            employment or contract, at least one certified responsible  
            managing supervisor. A certified responsible managing supervisor  
            may also be a fire sprinkler system contractor.

10           2. **Certification of responsible managing supervisor.** The  
12           State--Fire--Marshal commissioner shall issue a responsible  
            managing supervisor certificate to any person who:

14           A. Is certified by the National Institute for the  
16           Certification in Engineering Technologies at Level III for  
            fire protection automatic sprinkler systems layout;

18           B. Is licensed by the State as a professional engineer and  
20           has 5 years experience in the field of fire protection,  
            mechanical, piping or related engineering fields; or

22           C. If applying prior to July 1, 1995, has 5 years prior  
24           experience in the planning or installation of fire sprinkler  
26           systems in the United States if the applicant provides a  
            sworn statement of reference from 3 individuals as to the  
28           applicant's experience and is approved by the Fire Sprinkler  
            Advisory Council created in section 1381.

30           3. **Inspection technician.** The State---Fire---Marshal  
32           commissioner shall issue an inspection technician registration to  
34           any person who demonstrates an understanding of fire sprinkler  
            system planning, installation and maintenance sufficient to  
            determine whether a fire sprinkler system is in proper operating  
            condition.

36           **Sec. 35. 32 MRSA §§1376, 1377 and 1378,** as enacted by PL 1989,  
38           c. 247, §§2 and 4, are amended to read:

40           **§1376. Termination of employment or agreement**

42           Within 10 days after terminating employment or a contractual  
44           agreement with a licensed fire sprinkler system contractor the  
            certified responsible managing supervisor involved shall notify  
            the State-Fire-Marshall commissioner of that fact.

46           **§1377. Plan review**

48           Prior to construction of any fire sprinkler system, or prior  
50           to an addition involving more than 20 new sprinkler heads to a

2 fire sprinkler system, regulated by the National Fire Protection  
3 Association, Pamphlet No. 13, as amended, a fire sprinkler system  
4 contractor shall obtain a permit from the ~~State--Fire--Marshal~~  
5 ~~commissioner~~ who shall review the plan for construction or  
6 addition and charge a reasonable fee for the review and  
7 permitting process. All plans to be submitted by a contractor to  
8 the ~~State--Fire--Marshal~~ Department of Public Safety must be  
9 reviewed, approved and signed by the certified responsible  
10 managing supervisor retained by the contractor.

11 All plans for construction of or alteration to fire  
12 sprinkler systems shall must prominently display the fire  
13 sprinkler system contractor's license number, as well as the  
14 responsible managing supervisor's certification number and the  
15 name and address of the person to install the fire sprinkler  
16 system. Each permit issued shall must be displayed prominently at  
17 the site of construction. Within 30 days of the completion of a  
18 new fire sprinkler system or an addition to an existing fire  
19 sprinkler system, a fire sprinkler system contractor shall  
20 provide to the ~~State--Fire--Marshal~~ commissioner a copy of the  
21 permit signed by the certified responsible managing supervisor  
22 representing that the fire sprinkler system has been installed  
23 according to specifications of the approved plan to the best of  
24 the supervisor's knowledge, information and belief.

#### 26 **§1378. Employees**

27 The commissioner may appoint, subject to the Civil Service  
28 Law, such employees as may be necessary to carry out this  
29 chapter. Any person so employed shall--be is under the  
30 administrative and supervisory direction of the ~~State--Fire~~  
31 ~~Marshal~~ commissioner.

### 34 **SUMMARY**

35 This bill implements the recommendations of the State Fire  
36 Marshal study group, which was created pursuant to Resolve 1997,  
37 chapter 10. The bill defines "public safety inspectors," which  
38 were created pursuant to the Productivity Realization Task  
39 Force. The bill also clarifies the duties and authority of the  
40 State Fire Marshal and public safety inspectors.  
41  
42