

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2002

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Legislative Document

No. 2167

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H.P. 1663

House of Representatives, March 12, 2002

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**An Act to Improve Public Safety by Regulating the Installation and  
Inspection of Fire Alarm Systems.**

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Reported by Representative QUINT for the Maine Fire Protection Services Commission pursuant to the Maine Revised Statutes, Title 5, section 3371.

Reference to the Joint Standing Committee on Criminal Justice suggested and printing ordered under Joint Rule 218.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

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

4 **Sec. 1. 32 MRSA c. 20-A** is enacted to read:

6 **CHAPTER 20-A**

8 **FIRE ALARM SYSTEM INSTALLERS AND INSPECTORS**

10 **§1391. Definitions**

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

14 1. Commissioner. "Commissioner" means the Commissioner of Public Safety.

16 2. Company certificate. "Company certificate" means the document issued by Underwriters Laboratories, Inc. or another nationally recognized independent testing company approved by the office that provides 3rd-party verification and documentation by test and inspection of the qualifications and installations of a person or company for the purpose of indicating that the person or company is qualified to perform the design, installation and inspection of a fire alarm system or any part of a fire alarm system.

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

28 4. Fire alarm system. "Fire alarm system" means an assembly of wiring and devices that provides a warning of fire or the products of combustion, planned in accordance with a national or state standard.

30 5. Fire alarm system certificate. "Fire alarm system certificate" means the document issued by Underwriters Laboratories, Inc. or another nationally recognized independent testing company approved by the office that provides 3rd-party verification and documentation by test and inspection of a fire alarm system.

34 6. Fire alarm system contractor. "Fire alarm system contractor" means a person or company certified by Underwriters Laboratories, Inc. or another nationally recognized independent testing company approved by the office and licensed by the office as qualified to meet the standards provided by law, rule and regulation to undertake the design, installation and inspection of a fire alarm system or any part of such a system.

2 7. Inspect. "Inspect" means to examine visually, and may  
3 include to test a fire alarm system or portion of the system to  
4 verify that it appears to be in working order and free from  
5 physical damage.

6 8. Inspection sticker. "Inspection sticker" means the  
7 document issued by the commissioner to verify that the fire alarm  
8 system has been inspected and conforms to state and national  
9 standards adopted by the commissioner for that installation.

10 9. Installation. "Installation" means the initial  
11 placement of a fire alarm system containing more than 6 devices,  
12 the modification of an existing fire alarm system through the  
13 addition of more than 6 devices or the relocation of more than 12  
14 existing devices of an existing fire alarm system.

15 10. License. "License" means the document issued by the  
16 commissioner to a contractor, authorizing the contractor to  
17 engage in the installation, inspection or testing of a fire alarm  
18 system in this State in regulated structures.

19 11. Office. "Office" means the Office of the State Fire  
20 Marshal.

21 12. Plan. "Plan" means a shop drawing or erection plan of  
22 a fire alarm system or a part of a fire alarm system.

23 13. Planning. "Planning" means to draw or create plans.

24 14. Regulated structure. "Regulated structure" means the  
25 following buildings, as those buildings are defined in the  
26 National Fire Protection Association Life Safety Code as amended  
27 and adopted by the commissioner:

28 A. Beginning May 1, 2003, a structure licensed for  
29 occupancy by the Department of Human Services, whether as a  
30 new or renewal license, a high-rise building and an  
31 educational facility for grades to grade 12; and

32 B. Beginning May 1, 2005, a dormitory or hotel, a  
33 mercantile building over 12,000 square feet, a business  
34 building over 12,000 square feet, a building over 12,000  
35 square feet of mixed mercantile and business use, a place of  
36 assembly with an occupancy load of 300 people or more, an  
37 apartment building and a municipal or state-owned building.

38 The listing of a regulated structure here may not be interpreted  
39 as requiring the regulated structure to have a fire alarm system.

2 15. Test. "Test" means to execute performance operations  
on a fire alarm system.

4 §1392. Regulation

6 1. Licenses. The following documentation is required for  
persons involved in the installation of fire alarm systems.

8  
10 A. A person or company who undertakes installation of a  
fire alarm system or any part of the system in a regulated  
structure in this State must be licensed as a fire alarm  
system contractor and shall provide a copy of the company  
certificate issued to that person or company.

12  
14  
16 B. A fire alarm system contractor may subcontract with a  
licensed electrician to install a fire alarm system without  
requiring the licensed electrician to be licensed as a fire  
alarm system contractor.

18  
20 C. Any person or company who inspects a fire alarm system  
in a regulated structure must be a fire alarm system  
contractor or be either an employee or subcontractor of a  
fire alarm system contractor or an agent of municipal  
government or State Government.

22  
24  
26 D. A fire alarm system contractor's license is not  
transferable.

28  
30 E. Prior to or within 10 days after terminating a  
contractual agreement with Underwriters Laboratories, Inc.  
or another nationally recognized independent testing  
company, a licensed fire alarm system contractor shall  
notify the office of that termination.

32  
34  
36 F. All fire alarm system contractor licenses expire May 1st  
every year.

38 2. Inspections; stickers and certificates. An inspection  
of a fire alarm system must be performed in accordance with this  
40 subsection.

42 A. An inspection of a fire alarm system in a regulated  
structure must be conducted by a fire alarm system  
contractor in accordance with the National Fire Protection  
Association Code 72 or a successor publication, as adopted  
by the department.

44  
46  
48 B. The office shall issue an inspection sticker to any  
person who submits a current fire alarm system certificate  
indicating that a fire alarm system is in proper operating  
50 condition.

2           C. Inspection stickers are issued annually and must be  
4           affixed to the fire alarm control panel in a conspicuous  
            place.

6           D. A fire alarm system inspection sticker is not  
            transferable.

8  
10          E. A fire alarm system contractor who ceases to operate in  
            this State shall return all unused inspection stickers to  
            the office.

12  
14          F. Each fire alarm system certificate issued must be posted  
            in a conspicuous place in the place of business of the  
16          person to whom it is issued, at or near the fire alarm  
            system control panel.

18          G. A fire alarm system certificate is not transferable.

20          3. Permits. Permits for the installation of fire alarm  
22          systems are governed by this subsection.

24          A. A municipality may not issue a permit for a fire alarm  
            system unless the municipality is satisfied that the person  
26          or company applying for the permit complies with this  
            chapter.

28          B. Prior to installation of any fire alarm system, a fire  
            alarm system contractor shall obtain a permit from the  
30          office. The office shall review the plan for installation  
            and charge a reasonable fee for the review and permitting  
32          process.

34          C. An application for a fire alarm system permit must be  
            made on forms provided by the office.

36  
38          D. All plans submitted to the office must provide  
            documentation to show compliance with National Fire  
40          Protection Association Codes 70 and 72 as adopted by the  
            department. Beginning May 1, 2005, all plans submitted to  
42          the office for the purpose of obtaining a fire alarm system  
            permit must have the stamp of an engineering technician  
44          certified as a Level III or Level IV technician in fire  
            alarm systems by the National Institute for Certification in  
46          Engineering Technologies or the stamp of a professional  
            engineer licensed in this State.

48          E. Each permit issued, or a copy of the permit, must be  
            displayed at the installation site or be readily available  
50          at the installation site.

2           F. Within 30 days of the completion of a new fire alarm  
4           system or an addition or renovation to an existing fire  
6           alarm system, a fire alarm system contractor shall provide  
8           to the office a copy of the fire alarm system certificate  
          representing that the fire alarm system has been installed  
          according to specifications of the approved plan to the best  
          of the contractor's knowledge, information and belief.

10       **§1393. Implementation**

12           1. Fees. The office, by rule, shall set fees for  
14           licensure, permits and inspection stickers, which must be just  
16           sufficient to cover the costs of implementing and carrying out  
18           the provisions of this chapter. All fees received by the office  
20           must be paid to the State Treasurer and used for carrying out  
          this chapter. Any balance of these fees does not lapse but is  
          carried forward as a continuing account to be expended for the  
          same purposes in the following fiscal years.

22           2. Employees. The commissioner may appoint, subject to the  
24           Civil Service Law, those employees necessary to carry out the  
          provisions of this chapter. Any person so employed is under the  
          administrative and supervisory direction of the office.

26           3. Complaints; license suspension. The commissioner may  
28           investigate or cause to be investigated all complaints made to  
30           the commissioner and all cases of noncompliance with or a  
          violation of this chapter.

32           A. The commissioner may suspend or revoke a license  
34           pursuant to Title 5, section 10004. The commissioner may  
          refuse to issue or renew a license or the district court may  
          suspend, revoke or refuse to renew the license of a person  
          or company who is found guilty of:

36                   (1) The practice of any fraud or deceit in obtaining a  
38                   license;

40                   (2) Negligence, incompetence or misconduct in the  
42                   planning, installation or inspection of a fire alarm  
44                   system. Continued failure to conform to standards or  
                  rules adopted by the department is prima facie evidence  
                  of negligence or incompetence;

46                   (3) A violation of this chapter or any rule adopted by  
48                   the department; or

50                   (4) Subject to the limitations of Title 5, chapter  
                  341, a crime that involves dishonesty or false

2 statement, that relates directly to the practice of  
3 fire alarm system planning, installation or inspection  
4 or any crime for which incarceration for one year or  
5 more may be imposed.

6 B. The commissioner, for reasons the commissioner  
7 determines sufficient, may reissue a license to any person  
8 whose license has been revoked pursuant to this subsection.

10 4. Criminal penalty and injunction. This subsection  
11 applies in addition to the license suspension or revocation  
12 imposed pursuant to subsection 3.

14 A. A person or company who plans, installs or inspects a  
15 fire alarm system, or any part of that system, without  
16 obtaining the required license, or after the license has  
17 expired or been suspended, revoked or temporarily suspended  
18 or revoked, or who installs or alters a system without  
19 obtaining a permit as required by this chapter is guilty of  
20 a Class E crime.

22 B. The State may bring an action in Superior Court to  
23 enjoin any person from violating the provisions of this  
24 chapter, regardless of whether proceedings have or may be  
25 instituted in District Court or whether criminal proceedings  
26 have been or may be instituted.

28 5. Rulemaking. The office shall adopt rules necessary for  
29 the implementation of this chapter. Rules adopted pursuant to  
30 this subsection are routine technical rules as defined in Title  
31 5, chapter 375, subchapter II-A.

34 **SUMMARY**

36 This bill enacts the fire alarm system contractor program to  
37 regulate the installation and inspection of fire alarm systems  
38 over a specified size in those buildings in which fire alarm  
39 systems are required, such as certain facilities licensed by the  
40 Department of Human Services, high-rise buildings, educational  
41 facilities for students through the 12th grade, dormitories,  
42 hotels, mercantile and business buildings with a square footage  
43 in excess of 12,000 feet, places of assembly with an occupancy  
44 load of 300 people or more, apartment buildings and all municipal  
45 and State-owned buildings.

46 A person who plans, installs, modifies or inspects a fire  
47 alarm system in one of the regulated structures is required to  
48 obtain certification from Underwriters Laboratories, Inc. or  
49 another nationally recognized independent testing company that  
50



2 has been approved by the Department of Public Safety, Office of  
3 the State Fire Marshal and present this certification to the  
4 State Fire Marshal in order to be licensed. The State Fire  
5 Marshal will provide inspection stickers to be placed on the fire  
6 alarm system indicating that the system is in proper working  
7 condition. The State Fire Marshal is authorized to set licensing  
8 fees and inspection sticker costs in an amount that creates  
9 enough revenue to maintain the fire alarm system contractor  
10 certification program.

11 The program is phased in over a 3-year period. Persons  
12 installing or inspecting fire alarm systems in facilities  
13 licensed by the Department of Human Services, high-rise buildings  
14 and educational facilities for students through the 12th grade  
15 are required to comply by May 1, 2003. Full compliance for all  
16 other regulated structures is required by May 1, 2005.