

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

SECOND REGULAR SESSION-2004

Legislative Document

No. 1731

H.P. 1253

House of Representatives, December 22, 2003

An Act To Expand the State Fire Marshal's Responsibilities and To Clarify That the Commissioner of Public Safety Will Follow the Maine Administrative Procedure Act when Adopting Certain Rules

Submitted by the Department of Public Safety pursuant to Joint Rule 204.

Received by the Clerk of the House on December 17, 2003. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BLANCHETTE of Bangor.
Cosponsored by Senator HATCH of Somerset and
Representatives: BULL of Freeport, DUPLESSIE of Westbrook, GERZOFKY of Brunswick,
LESSARD of Topsham, PATRICK of Rumford, Senators: BRYANT of Oxford, NASS of
York.

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

4 **Sec. 1. 25 MRSA §2396, sub-§3**, as repealed and replaced by PL
1973, c. 632, §6, is amended to read:

6 **3. Explosives.** The storage, sale and use of combustibles,
flammables, incendiary devices and explosives;

8 **Sec. 2. 25 MRSA §2452, first ¶**, as amended by PL 1997, c. 728,
10 §25, is further amended to read:

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

24
26 **SUMMARY**

28 This bill expands the responsibility of the State Fire
Marshal to include protection of the public in the area of
30 incendiary devices and makes it clear that the Commissioner of
Public Safety must follow the Maine Administrative Procedure Act
32 when making rules involving life safety and property protection.