

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 1508

S.P. 524

In Senate, March 30, 2005

An Act To Regulate Fire Alarm Contractors

Reference to the Committee on Business, Research and Economic Development suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator NASS of York.

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 CONTRACTORS**

10 **§1391. Definitions**

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

14 1. **Certificate.** "Certificate" means the document issued by the Underwriter's Laboratory, or other nationally recognized testing company approved by the commissioner, that provides 3rd-party verification and certifies by test and inspection the qualifications and installations of a person or company indicating that the company or person is qualified to perform the planning, installation or inspection of a fire alarm system or any part of such a system.

22 2. **Commissioner.** "Commissioner" means the Commissioner of Public Safety.

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

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

34 5. **Fire alarm system contractor; contractor.** "Fire alarm system contractor" or "contractor" means a company or person certified by the Underwriter's Laboratory or other approved nationally recognized testing company, licensed by the commissioner as qualified to meet the standards provided by law, rule and regulation to undertake the planning, installation or inspection of a fire alarm system or any part of such a system.

42 6. **Inspect.** "Inspect" means to visually examine or test a fire alarm system or a portion of a system to verify that it appears to be in working order and free from physical damage.

46 7. **Inspection sticker.** "Inspection sticker" means the document issued by the commissioner to verify that a fire alarm system has been inspected.

2 8. Installation. "Installation" means the initial
placement of the alarm system or part of a system or the
4 extension, modification or alteration of a system or part after
the initial placement.

6 9. License. "License" means the document issued by the
commissioner to a contractor authorizing the contractor to engage
8 in the fire alarm system business in this State.

10 10. Plan. "Plan" means a shop drawing or erection plan of
a fire alarm system or a part of a system.

12 11. Planning. "Planning" means drawing or creating plans.

14 **§1392. Applicability**

16 1. State requirements. The following documentation is
18 required for persons involved in the installation of fire alarm
systems.

20 A. A person who undertakes the planning or installation of
22 a fire alarm system or any part of a system in this State
must be licensed as a fire alarm system contractor. A
24 person may not be identified as a fire alarm system
contractor or by any similar term unless licensed by the
26 State.

28 B. A company or person who undertakes the review, approval
and signing required for plans prior to submission to the
30 department must be licensed by the commissioner.

32 C. A person who inspects a commercial fire alarm system
must be employed by a licensed fire alarm contractor. An
34 agent of municipal government or State Government or
licensed insurer who inspects a fire alarm system in
36 performing that person's duties for that government or
insurer must be registered by the commissioner.

38 2. Posting of licenses and certificates. Each license and
40 certificate issued under this chapter must be posted in a
conspicuous place in the place of business of the person to whom
42 it is issued. A license or certificate is not transferable.

44 3. Municipal licenses. A municipality may not require fire
alarm system contractors to be municipally licensed nor may any
46 municipality issue a permit for a commercial fire alarm system
unless the municipality is satisfied that the person applying for
48 the permit complies with this chapter.

2 4. Inspection sticker. The commissioner shall issue an
3 inspection sticker to any person who submits a current
4 Underwriter's Laboratory certificate indicating that a fire
5 alarm system is in proper operating condition. Inspection
6 stickers are issued annually, are not transferable and must be
7 affixed to the fire alarm system panel.

8 **§1393. Fees**

10 The commissioner shall set fees for licensure and inspection
11 stickers. The fees must be no more than sufficient to cover the
12 costs of implementing this chapter.

14 All fees received by the department must be paid to the
15 Treasurer of State and must be used for carrying out this
16 chapter. Any balance of these fees does not lapse but is carried
17 forward as a continuing account to be expended for the same
18 purposes in the following fiscal years.

20 **§1394. Termination of agreement**

22 Within 10 days after terminating a contractual agreement
23 with a nationally recognized testing company, a licensed fire
24 alarm system contractor, the company or the person that was party
25 to the terminated agreement and is subject to this chapter shall
26 notify the commissioner of that fact.

28 **§1395. Plan review**

30 Prior to construction of any commercial fire alarm system or
31 an addition involving more than 20 new devices to a fire alarm
32 system regulated by the National Fire Protection Association,
33 Pamphlet No. 72, as amended, a fire alarm system contractor must
34 obtain a permit from the commissioner, who shall review the plan
35 for construction or addition and charge a reasonable fee for the
36 review and permitting process. All plans to be submitted by a
37 fire alarm system contractor to the department must be reviewed,
38 approved and signed by the fire alarm system contractor.

40 All plans for construction of or alteration to fire alarm
41 systems must prominently display the fire alarm system
42 contractor's license number, as well as the certification number
43 and the name and address of the person to install the fire alarm
44 system. Each permit issued must be displayed prominently at the
45 site of construction. Within 30 days of the completion of a new
46 fire alarm system or an addition to an existing fire alarm
47 system, a fire alarm system contractor shall provide to the
48 commissioner a copy of the Underwriter's Laboratory certificate
representing that the fire alarm system has been installed

2 according to specifications of the approved plan to the best of
3 the fire alarm system contractor's knowledge, information and
4 belief.

6 **§1396. Employees**

8 The commissioner may appoint, subject to the Civil Service
9 Law, employees necessary to carry out this chapter. Any person
10 so employed is under the administrative and supervisory direction
11 of the commissioner.

12 **§1397. Violations**

14 The commissioner shall investigate or cause to be
15 investigated all complaints made to the commissioner and all
16 cases of noncompliance with or violation of this chapter. The
17 commissioner may suspend or revoke a license, certification or
18 registration pursuant to Title 5, section 10004. The
19 commissioner may refuse to issue or renew a license,
20 certification or registration or the District Court may suspend,
21 revoke or refuse to renew the license, certification or
22 registration of a person who is found guilty of:

24 1. Fraud or deceit. The practice of any fraud or deceit in
25 obtaining a license, certification or registration under this
26 chapter;

28 2. Negligence, incompetency or misconduct. Any negligence,
29 incompetency or misconduct in the planning, installation or
30 inspection of a fire alarm system. Continued failure to conform
31 to standards or rules adopted by the department is prima facie
32 evidence of negligence or incompetency;

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

36 4. Conviction of crime. Subject to the limitations of
37 Title 5, chapter 341, a crime that involves dishonesty or a false
38 statement or that relates directly to the practice of fire alarm
39 system planning, installation, inspection or any crime for which
40 incarceration for one year or more may be imposed.

42 The commissioner, for reasons the commissioner determines
43 sufficient, may reissue a license, certification or registration
44 under this chapter to any person whose license, certification or
45 registration has been revoked.

48 **§1398. Penalties; injunction**

50 1. Penalties. A person who plans, installs or inspects a
51 fire alarm system or any part of a system without obtaining the

2 required license, certification or registration, or after the
3 license, certification or registration has expired or has been
4 suspended or revoked or temporarily suspended or revoked or who
5 installs or alters a system without obtaining a permit as
6 required by this chapter commits a Class E crime.

7 2. Injunction. The State may bring an action in Superior
8 Court to enjoin any person from violating this chapter,
9 regardless of whether proceedings have been or may be instituted
10 in District Court or whether criminal proceedings have been or
11 may be instituted.

12 **§1399. Rules**

13 The commissioner shall adopt rules necessary for the
14 implementation of this chapter. Rules adopted pursuant to this
15 section are routine technical rules pursuant to Title 5, chapter
16 375, subchapter 2-A.

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19 **SUMMARY**

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22 This bill requires that fire alarm system contractors in the
23 State be licensed by the Commissioner of Public Safety.
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