

MAINE STATE LEGISLATURE

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EIGHTY-FIRST LEGISLATURE

HOUSE

NO. 158

House of Representatives, February 22, 1923.

Referred to Committee on Mercantile Affairs and Insurance
and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Drake of Bath.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND TWENTY-THREE

AN ACT to Establish the Office of State Fire Marshal, Defin-
ing His Powers and Duties and Providing for the Mainte-
nance of His Office Out of the Fees Collected, and Not
Otherwise.

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

Section 1. State Fire Marshal. The office of state fire
2 marshal is hereby established. The insurance commissioner
3 of the State of Maine shall be ex-officio state fire marshal
4 with an annual compensation of five hundred dollars.

Sect. 2. Duties of State Fire Marshal. It shall be the
2 duty of the state fire marshal to enforce all laws and all law-
3 ful ordinances, rules and regulations relating to:

- (1) The prevention of fires.
- (2) The storage and use of combustibles and explosives.
- (3) To suggest the construction, maintenance and regulation of fire escapes.

(4) To suggest the means and adequacy of exit, in case of fire, from asylums, hospitals, churches, schools, halls, theaters, amphi-theaters, and all other places in which numbers of persons live or congregate from time to time for any purpose.

(5) The suppression and punishment of arson and fraudulent claims or practices in connection with fire losses.

The state fire marshal and his deputies shall have such other powers and perform such other duties as are set forth in other sections of the statutes of this state relating to inspection of buildings, municipal officers, fire wards and prevention of fires.

Sect. 3. Deputies. The state fire marshal shall appoint two deputy fire marshals at a salary not to exceed two thousand dollars per annum for each deputy whose duties shall be to assist the state fire marshal, and such appointees may be removed for cause by said state fire marshal. He may also employ not to exceed two assistants at a salary not to exceed twenty-five hundred dollars per annum for both. The state fire marshal, his assistants, and other members of his department, in addition to their salaries shall be paid their actual and necessary expenses incurred in the performance of their duties from the general fund, as hereinafter provided.

Sect. 4. Assistant Officers. All municipal officers in those
2 municipalities having such officers, and, where no such of-
3 ficer exists, the chief of the fire department of every city
4 or village in which a fire department is established, the
5 marshal or chief police officer of every city or town in which
6 no fire department exists, and the constables within their
7 respective districts outside of the cities and towns, shall
8 be, by virtue of such office or position so held by them, as-
9 sistants to the state fire marshal without additional recom-
10 pense and subject to the duties and obligations imposed by
11 the laws of this state, and shall be subject to the directions
12 of the state fire marshal in the execution of the provisions
13 hereof.

Immediately upon the taking effect of this act, the state
2 fire marshal shall prepare instructions to the assistants des-
3 igned herein and forms for their use in the reports re-
4 quired by this act, and cause them to be printed and sent,
5 together with a copy of this act, to each officer located in
6 this state.

Sect. 5. Records. The state fire marshal shall keep in his
2 office a record of all fires occurring in this state and of all
3 facts concerning the same, including statistics as to the ex-
4 tent of such fires and the damage caused thereby, and
5 whether such losses were covered by insurance, and if so,
6 in what amount. Such record shall be made daily from
7 the reports made to him by his assistants under the pro-
8 visions of this article. All such records shall be public, ex-
9 cept any testimony taken in an investigation under the pro-

visions of this act which the state fire marshal in his discretion may withhold from the public.

Sect. 6. Annual Report. The state fire marshal shall annually transmit to the governor a full report of his proceedings under this act and such statistics as he may wish to include therein; he shall also recommend any amendments to the law which in his judgment shall be desirable.

Sect. 7. Penalty for Neglect of Official Duty. Any officer referred to in this act who neglects to comply with any of the requirements hereof shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, for each neglect or violation, and in default of the payment thereof shall be imprisoned not to exceed thirty days.

Sect. 8. Penalties. All penalties, fees, or forfeitures collected under the provisions of this act shall be paid into the treasury of the state.

Sect. 9. For the purpose of maintaining the department of state fire marshal and paying all expenses incident thereto, every insurance company or other insurer doing a fire insurance business in the State of Maine shall pay into the treasury of the state within sixty (60) days after the passage of this act, and on or before the first day of April annually thereafter, a tax upon its fire premiums received from business transacted in this state as follows: A sum equal to one-fourth of one per cent of the gross premiums or assessments, or both, less return premiums or assess-

11 ments and dividends paid to policyholders, received by it
12 or its agent on direct business transacted by it in this state
13 during the preceding calendar year as shown by its state-
14 ment on file in the insurance department. The money so
15 received by the treasurer of state shall be placed in the gen-
16 eral fund of the State of Maine, and said fund shall be
17 available and constitute an appropriation for the payment
18 of any and all expenses of the fire marshal department. The
19 state fire marshal shall keep on file in his office an itemized
20 statement of all expenses incurred by the department. He
21 shall approve all vouchers issued therefor before they are
22 submitted to the auditor of state for payment and there-
23 upon such vouchers shall be allowed and paid as other
24 claims against the state, provided, however, that no greater
25 sum shall be paid out during any year for salaries, expenses
26 or otherwise than shall be collected during such year under
27 this act.

Sect. 10. It is hereby declared that this act is necessary
2 for the reduction of the fire waste in this state and for the
3 public safety, health, peace, and welfare, is remedial in na-
4 ture, and shall be construed liberally, and if any clause,
5 sentence, paragraph, or part of this act shall for any reason
6 be adjudged by any court of competent jurisdiction to be
7 invalid, such judgment shall not impair or invalidate the
8 remainder thereof, but shall be confined in its operation to
9 the clause, sentence, paragraph or part thereof directly in-
10 volved in the controversy in which such judgment shall have
11 been rendered.