

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

NEW DRAFT OF H. P. 1654—L. D. 962

NINETY-FOURTH LEGISLATURE

Legislative Document

No. 1500

H. P. 2066

House of Representatives, April 15, 1949.

Reported by Mr. White from Committee on Mercantile Affairs and Insurance and printed under Joint Rule 10.

HARVEY R. PEASE, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-NINE

AN ACT Relating to the Inspection of Buildings and the Approval of
Certain Articles Containing Natural or Synthetic Components.

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

Sec. 1. R. S., c. 85, § 22, repealed and replaced. Section 22 of chapter 85 of the revised statutes is hereby repealed and the following enacted in place thereof:

'Sec. 22. Insurance commissioner upon complaint may inspect buildings; combustible or other dangerous matter may be removed. The insurance commissioner, his deputy, or the fire inspector, upon the complaint of any person, or whenever he or they shall deem it necessary, may inspect or cause to be inspected all buildings and premises within their jurisdiction. Whenever any of said officers shall find any building or other structure which, for want of repairs, or by reason of age or dilapidated condition, or from any other cause, is especially liable to fire or collapse, and which is so situated as to endanger other property or the safety of the public, and whenever such officer shall find in or around any building combustible or explosive matter, or inflammable or other conditions dangerous to the safety of such buildings or the safety of the public he shall order the same to be removed or remedied. If such order is made by any fire in-

spector, such owner or occupant may within 24 hours appeal to the insurance commissioner, who shall within 10 days review such order and file his decision thereon.

If at any time either the insurance commissioner or his deputy shall be apprehensive that any articles of wearing apparel, cloth, drapery or other fabric or any material made from or containing any natural or synthetic component is so highly inflammable or combustible as to constitute a dangerous risk of fire and hazard or injury to persons or property, taking into consideration the use or uses for which the article is currently being used, or if the article is intended for sale, the use or uses for which such article is made and designed to serve, he may cause samples of the same to be submitted to the department of industrial cooperation at the University of Maine for testing to determine if said articles are so highly inflammable or combustible. He may prohibit their sale within this state until the person or corporation offering the same for sale shall submit the same for testing to said department of industrial cooperation and until such time as the department of industrial cooperation has made its determination and the commissioner has held the hearing hereinafter referred to. The reasonable expenses of such department incurred in such testing shall be paid by the person or persons offering the same for sale. If said department shall determine that the same are so highly inflammable or combustible, and the insurance commissioner shall by order approve such determination after notice and hearing, they shall not thereafter be offered for sale and any person or persons offering the same for sale shall be subject to a fine of not more than \$1,000, or imprisonment for not more than 1 year.

The insurance commissioner shall make, amend or rescind, after public hearing thereon, notice of which has been duly advertised in the state paper, reasonable rules and regulations for the prevention of fires in buildings and for the protection of the public safety from fire hazards in and about buildings. Such rules and regulations shall become effective when approved in writing by the governor and council and when a certified copy thereof has been filed with the secretary of state. Said commissioner may waive the requirements of any such rules or regulations to cover any special circumstances, conditions or localities.'

Sec. 2. R. S., c. 85, § 22-A, additional. Chapter 85 of the revised statutes is hereby amended by adding thereto a new section to be numbered 22-A, to read as follows:

'Sec. 22-A. Appeal. Any person or corporation aggrieved by any rule or regulation or the reasonableness of the same or any order or decision of

the insurance commissioner issued under the provisions of section 22 may appeal to a justice of the superior court by presenting to him within 30 days from the effective date of such rules and regulations or within 30 days from the date of such decision or order, a petition therefor in term time or vacation and he shall fix a time and place of hearing which may be at chambers or in vacation and cause notice thereof to be given to the commission and after the hearing the justice may affirm or reverse in full or in part any such rule, regulation, order or decision of the commissioner and the decision of such justice shall be final. Unless the order of the commissioner issued under the provisions of section 22 shall otherwise specify, any order issued by him shall become immediately effective and the filing of a petition for review shall not operate as a stay thereof.'