

MAINE STATE LEGISLATURE

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N I N E T Y - S I X T H L E G I S L A T U R E

Legislative Document

No. 717

H. P. 674

House of Representatives, February 12, 1953.

Referred to Committee on Legal Affairs. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Gowell of Berwick.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-THREE

AN ACT Relating to Fire Hazards.

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 R. S., c. 85, § 22, repealed and replaced. Section 22 of chapter 85 of the revised statutes is hereby repealed and the following enacted in place thereof: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. Duty as to fire hazards; inspection of buildings. No person, partnership, corporation or other entity, being the owner, occupant or lessee of any building or other structure which is so occupied, or so situated or so used as to endanger persons or property, shall permit such building or structure by reason of faulty construction, or for want of proper repairs, or by reason of age or dilapidated condition or from any other cause to become especially liable to fire, or to endanger other property or the safety of the public; and no such owner, occupant or lessee shall keep or maintain or allow to be kept or maintained on such premises any combustible or explosive matter, or inflammable or other conditions, which endanger the safety of such buildings or the safety of any persons.

The insurance commissioner shall enforce the provisions of this section and shall adopt, promulgate and enforce such reasonable rules as may be necessary to protect the public from the dangers herein specified. Such rules may require the installation of fire detection, alarm and protective

devices, and may further require the installation of fire escapes when reasonably necessary.

Such rules, when approved by the governor and council with or without public hearing as the governor and council may determine and filed with the secretary of state, shall have the force of law insofar as they are not inconsistent with the provisions of this section.

All local officials charged with the duty of investigating fires shall enforce the provisions of this section and the rules promulgated in accordance herewith, under the supervision of the insurance commissioner or his designated representative.

The insurance commissioner, or his deputy, or the director of state fire prevention or any proper local official, on complaint, or whenever he or they shall deem it necessary, may inspect or cause to be inspected any buildings, structures and premises within their jurisdiction. Whenever any of said officers shall find such dangerous condition or fire hazard to exist, he shall order such dangerous condition or fire hazard to be removed or remedied; and may order the structure to be demolished wholly or in part. He shall give the owner, occupant or lessee written notice of his decision. Service of notice shall be in person or by registered mail.

Within 3 days thereafter, Sundays and holidays excepted, such owner, occupant or lessee may appeal to the insurance commissioner, who shall thereupon review such order and set a date for expeditious hearing on the appeal. The commissioner at such hearing may affirm, revoke or modify the order.

Findings of fact by the commissioner shall be final, if supported by credible evidence, but any person aggrieved by the commissioner's rulings in matters of law may appeal to a justice of the superior court or of the supreme judicial court by presenting to him a petition, setting forth the reasons for appeal, in term time or vacation, within 3 days, Sundays and holidays excepted, after the commissioner has rendered his decision. Such justice shall fix a time and place for hearing, and cause notice to be given the commissioner as in equity; and after such hearing, the justice may affirm, modify or reverse the decision of the commissioner and shall remand the case to the commissioner for action in accordance with the court decree.

The order of the inspector, or of the commissioner or the court, if an appeal shall have been taken, shall be complied with forthwith. Failure to so comply shall constitute contempt. The commissioner may by petition

bring the facts to the attention of a justice of the superior court or of the supreme judicial court. Such justice may issue summary process to bring the alleged offender before the court and on inquiry, being satisfied that the allegations in the petition are true, such justice may punish the respondent as for contempt committed in the presence of the court. This remedy is additional to other remedies elsewhere provided.'

Sec. 2. R. S., c. 85, § 23, repealed and replaced. Section 23 of chapter 85 of the revised statutes is hereby repealed and the following enacted in place thereof:

'Sec. 23. Buildings repaired or demolished; expense paid by owner; special tax assessed. Where a proper officer, proceeding under the provisions of the preceding section, shall order a building repaired or demolished in whole or in part and the owner fails to comply with the order, the officer shall cause such building or premises to be repaired or demolished, as ordered. The expense of carrying out the order shall be borne in the first instance by the town in which such property is located, but the town shall collect the same from the owner of the premises. The town may recover the amount of such expense in an action on the case, and execution issued on any judgment recovered by the town shall run against the body of the owner. The assessors of the town may also assess and levy a special tax against the land on which said building was located for the amount of such expense and include such amount in the next annual warrant to the collector of taxes of said town for collection, and it shall be collected in the same manner as state, county and municipal taxes are collected.'