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An Act To Regulate Fire Alarm Contractors

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

Sec. 1. 32 MRSA c. 20-A is enacted to read:

CHAPTER 20-A

Fire alarm contractors

§ 1391. Definitions

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

1. Certificate. "Certificate" means the document issued by the Underwriters' Laboratories, Inc., 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.

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

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

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.

5. Fire alarm system contractor; contractor. "Fire alarm system contractor" or "contractor" means a company or person certified by the Underwriters' Laboratories, Inc. 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.

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.

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

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

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

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

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

§ 1392. Applicability

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

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

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

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

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

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

4. Inspection sticker. The commissioner shall issue an inspection sticker to any person who submits a current Underwriters' Laboratories, Inc. certificate indicating that a fire alarm system is in proper operating condition. Inspection stickers are issued annually, are not transferable and must be affixed to the fire alarm system panel.

§ 1393. Fees

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

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

§ 1394. Termination of agreement

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

§ 1395. Plan review

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

All plans for construction of or alteration to fire alarm systems must prominently display the fire alarm system contractor's license number, as well as the certification number and the name and address of the person to install the fire alarm system. Each permit issued must be displayed prominently at the site of construction. Within 30 days of the completion of a new fire alarm system or an addition to an existing fire alarm system, a fire alarm system contractor shall provide to the commissioner a copy of the Underwriters' Laboratories, Inc. certificate representing that the fire alarm system has been installed according to specifications of the approved plan to the best of the fire alarm system contractor's knowledge, information and belief.

§ 1396. Employees

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

§ 1397. Violations

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

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

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

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

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

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

§ 1398. Penalties; injunction

1. Penalties. A person who plans, installs or inspects a fire alarm system or any part of a system without obtaining the required license, certification or registration, or after the license, certification or registration has expired or has been suspended or revoked or temporarily suspended or revoked or who installs or alters a system without obtaining a permit as required by this chapter commits a Class E crime.

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

§ 1399. Rules

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

SUMMARY

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