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HOUSING AND ECONOMIC DEVELOPMENT

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STATE OF MAINE HOUSE OF REPRESENTATIVES 132ND LEGISLATURE FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “ ” to H.P. 784, L.D. 1179, “An Act to Establish Minimum Safety Standards for the Construction and Use of Temporary Emergency Shelters”

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 25 MRSA §2452, first ¶, as repealed and replaced by PL 2011, c. 691, Pt. A, §25, is amended to read:

The Commissioner of Public Safety shall adopt and may amend rules governing the safety to life from fire in or around all buildings or other structures, recreational vehicles as defined in National Fire Protection Association standard 1192 and mass outdoor gatherings, as defined in Title 22, section 1601, subsection 2, within the commissioner's jurisdiction. Automatic sprinkler systems may not be required in existing noncommercial places of assembly. Noncommercial places of assembly include those facilities used for such purposes as deliberation, worship, entertainment, amusement or awaiting transportation that have a capacity of 100 to 300 persons. Automatic sprinkler systems may not be required in existing commercial places of assembly that are open for no more than 50 days per calendar year. "Commercial places of assembly" includes bars with live entertainment, dance halls, nightclubs, assembly halls with large open areas in which patrons stand or sit, commonly referred to as "festival seating," and restaurants. Rules adopted pursuant to this section are routine technical rules, except that rules pertaining to fire sprinklers are major substantive rules, both of which are defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 25 MRSA §2452, sub-§3, as amended by PL 2003, c. 535, §3, is further amended to read:

3. Violation. A person who violates a rule issued by the commissioner under this section commits a Class E crime. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

Sec. 3. Report. The Department of Public Safety, Office of the State Fire Marshal, shall notify the joint standing committee of the Legislature having jurisdiction over housing matters if the department proposes to adopt through rulemaking the National Fire Protection Association standard 1192 on recreational vehicles.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment replaces the bill. The amendment directs the Commissioner of Public Safety to adopt rules governing the safety to life from fire in or around recreational vehicles as defined in National Fire Protection Association standard 1192 and stipulates that a violation of a rule adopted pursuant to the requirement is a strict liability crime as defined in the Maine Revised Statutes, Title 17-A, section 34, subsection 4-A. The amendment also requires the Department of Public Safety, Office of the State Fire Marshal to notify the joint standing committee of the Legislature having jurisdiction over housing matters if the department proposes to adopt through rulemaking the National Fire Protection Association standard 1192.

FISCAL NOTE REQUIRED

(See attached)