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LD 1005 - An Act to Allow Municipal Fire Departments with Trained Personnel to Conduct Sprinkler Plan Reviews

Senator Beebe-Center, Representative Hasenfus, and honorable members of the Criminal Justice and Public Safety Committee, my name is Shawn Esler, and it is a privilege to serve as the State Fire Marshal.

I write **neither for nor against** LD 1005.

In 2024 alone, the Office of State Fire Marshal (FMO) Plan Review Division consisting of four personnel reviewed 886 construction projects valued at **\$1.9 Billion** across Maine. Additionally, our Office reviewed 786 sprinkler projects, and issued 192 fire sprinkler contractor, inspector, and RMS licenses. Currently Title 25 §2448-A allows for a municipality to conduct municipal reviews of development, however, the law does not allow for a municipality to conduct sprinkler reviews.

At times, our construction permit process has been delayed. This is a symptom of a relatively small number of staff serving an entire State. Since 2018, the value of annual projects being reviewed has climbed over **\$1 Billion** demonstrating the workload has nearly doubled in the last few years. Addressing concerns related to workload imbalance and delays is a priority of mine.

However, regarding sprinklers, our office issues preliminary approval immediately upon receipt of application and payment. I have enclosed a copy of that approval for your review at the bottom of my testimony. This preliminary approval allows a contractor to begin construction immediately, ensuring that a project can move forward without delay. The FMO issues these approvals based on our pre-established relationship via contractor licensing. The FMO then conducts a full review, ensuring the project meets fire code, MUBEC, and engineering requirements. A sprinkler permit is then issued after a full set of plans have been submitted. Since 2018, sprinkler permits issuance has soared from 500 permits annually to 786 in 2024, a 57.2 percent increase in work just in this area alone.

LD 1005 aims to allow a municipality to conduct sprinkler reviews after registering with the Commissioner of Public Safety. Before enacting this law, I ask you to consider the following points:

- **Experience-** The FMO has been the sole point of conducting sprinkler reviews for decades.
- **Education-** The FMO Plan Reviewers are Certified Fire Inspectors, Certified Plan Reviewers, and receive hundreds of hours of specialized training specific to sprinkler plan review at the National Fire Academy. Over half of our Plans Review staff have also worked in the sprinkler industry, gaining valuable experience. Lastly, our Plans Review Supervisor is a certified Fire Protection Specialist and Licensed Plumber, ensuring all projects comply with code.
- **Continuity-** The FMO provides uniform and consistent guidance enacted by Legislature across the State eliminating disparity between communities.

- **Enforcement-** The FMO can enforce sprinkler violations both criminally and civilly. We are well versed and respected in the State's court system.
- **Licensing Agency-** The FMO is the sole licensing agency for sprinkler contractors. We investigate fraud, deceit, negligence, misconduct, violations of law, and conviction of crime in the issuance, revocation, and refusal to renew sprinkler contractor licenses. Local municipalities do not have readily available access to licensing databases without the FMO.
- **Efficiency-** Our Plan Review personnel serve the entire State and are entirely funded on the revenue generated through these reviews. After revenue is considered, the cost of providing reviews to each municipality is zero.
- **Speed-** When consideration is given to preliminary approval, there exists almost no barriers or delays related to beginning a sprinkler project. By many sprinkler contractors in Maine, the FMO is considered one of the fastest agencies in New England regarding the issuance of sprinkler permits.

Weighing the above points, I ask the committee, does your municipal fire department have the training, experience, technical knowledge, enforcement ability, and overall efficiency as the FMO? Are you prepared to increase taxation in your local community to support sprinkler review knowing the service already exists at no cost? Is your community able to enforce provisions of sprinkler law?

LD 1005 fails to address fees a municipality can assess for sprinkler permits. Title 32 §1372 addresses fees paid to the department shall be paid to the State Treasurer. Attention may need to be given to this law to adequately provide for municipal review, should LD 1005 be enacted.

I thank the committee for your time today and urge careful consideration on LD 1005. I look forward to discussing ways to address construction permit delays for the entire State at a time more appropriate.



Shawn Esler, State Fire Marshal

IMPORTANT INFORMATION

The State of Maine **FIRE MARSHAL'S OFFICE** has granted preliminary approval to **C241909 CROSS STREET BLDG 1** to begin installation before the full permit submittal has been received. The expectation is that full submittal will be received in 1 to 3 weeks. Should the full submittal not come for 6 months, and there is no communication for an extension request or reasonable explanation for the delay, then the job will be cancelled. The money will not be returned. Court action with fines may be applicable if installation work was started, and in particular if it was completed.

You may submit the required details and paperwork to apply online to upgrade this preliminary approval to a sprinkler permit. This can be done as part of the Fire Marshal's Office online activities. You will need to have the preliminary approval number and the approval access code in order to submit the application.

Preliminary approval number: **FSP19354**

Approval access code: **791095**

If you have questions, please call (207) 626-3880.