



STATE OF MAINE
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LD 1179 - LD 1179 An Act to Establish Minimum Safety Standards for the Construction and Use of Temporary Emergency Shelters

Senator Curry, Representative Gere, and members of the Housing and Economic Development 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 1179.

The Office of State Fire Marshal has adopted by statute National Fire Protection Codes and International Building Codes that guide us for shelters either permanent or temporary on how they are prepared for occupancy. Since the beginning of Covid in 2019, our office has worked with several municipalities in the State for emergency shelters. We hope to continue those strong relationships.

The building and fire codes approach construction in two ways: 1) Prescriptive codes 2) Performance based codes.

Prescriptive codes specify exact materials, methods, and designs to achieve an outcome.

Performance based codes focus on desired outcomes allowing for flexibility in achieving those goals.

LD 1179 as written would require prescriptive fire codes. We feel it is best in striving for performance-based codes that focus on the desired outcome rather than specifying the exact means to achieve it. This gives the FMO and local jurisdictions more discretion for compliance in trying times where an emergency shelter may be needed, especially in cases where occupancy is less than 24 hours.

LD 1179 as written requests fire code standards for the design and construction of temporary emergency shelters, including ventilation requirements, electrical safety and emergency exits. If the Fire Marshal Office is to complete this task with the intent as written in this legislation, we will require hiring or contracting with a qualified engineer or architect to achieve the rewriting of rules. Writing prescriptive fire code is beyond the expertise of the FMO.

The Fire Marshal's Office will assist in any work session regarding fire codes and emergency shelters. It is our recommendation to soften the language to allow performance-based codes to guide emergency sheltering.

A handwritten signature in black ink, appearing to read 'Shawn Esler'.

Shawn Esler, State Fire Marshal