

CHAPTER 315**INVESTIGATION OF FIRE HAZARDS AND CAUSES****§2391. Election of fire ward; duties and compensation**

Each municipality not having an organized fire department, at its annual meeting, shall elect at least one fire ward, who shall be a fire inspector. Such fire inspectors shall perform the duties set forth in sections 2392 to 2395. If more than one fire ward is elected by any municipality, one of said fire wards shall be designated as fire inspector of said municipality, and the other fire wards shall, under the direction of the fire inspector, assist in performing the duties imposed upon said fire inspector by said sections. In towns and cities having an organized fire department, the chief of such fire department shall perform the duties of fire inspector. Fire inspectors so elected or designated shall receive reasonable compensation for their services, to be determined by the municipality. [PL 1973, c. 632, §1 (RPR).]

When for any reason the office of fire ward is vacant or the fire ward is incapacitated and there is no organized fire department, the municipal officers may appoint a fire ward to serve until the next ensuing election of officers. [PL 1973, c. 632, §1 (RPR).]

SECTION HISTORY

PL 1969, c. 377, §1 (AMD). PL 1971, c. 592, §35 (AMD). PL 1973, c. 632, §1 (RPR).

§2392. Inspection by State Fire Marshal; removal of dangerous matter; appeal; exits

The State Fire Marshal or public safety inspectors, upon the complaint of a person or whenever they determine it necessary, may inspect all buildings and premises within their jurisdiction. The State Fire Marshal or a public safety inspector may forbid the use of a building or other structure that does not conform to the laws, ordinances and rules adopted by the Commissioner of Public Safety or enforceable by the commissioner, pursuant to section 2396, and that creates a danger to other property or to the public. The State Fire Marshal or a public safety inspector shall serve an order in writing upon the owner and the occupant, if any, to repair or remove the building or structure or part of the building or structure and to vacate the building or structure within a reasonable time to be stated in the order. The owner or occupant may within 24 hours appeal the order to the Commissioner of Public Safety, who shall, within 30 days after notice to the owner or occupant and a hearing, review the order and file a decision. The commissioner's decision is final and must be complied with within such time as may be fixed in the order or decision of the commissioner. [PL 1997, c. 728, §16 (AMD).]

An owner or occupant who neglects to comply with the order is guilty of a Class E crime, except that a fine of not less than \$100 must be imposed for each conviction. [PL 1997, c. 728, §16 (AMD).]

Every hospital, sanatorium, convalescent home, nursing home, rest home or other institution for the hospitalization or nursing care of human beings must between sundown and sunrise maintain lighted exitways and all main exit doors must be hung to swing outward. [PL 1997, c. 728, §16 (AMD).]

SECTION HISTORY

PL 1971, c. 592, §35 (AMD). PL 1973, c. 632, §2 (AMD). PL 1973, c. 788, §§110-A (RPR). PL 1979, c. 58, §§1,2 (AMD). PL 1997, c. 728, §16 (AMD).

§2393. Buildings repaired or demolished; complaint to enforce order

If any person fails to comply with the order of any officer under section 2392 or with the decision of the Commissioner of Public Safety on review and within the time fixed, then such officer or the Commissioner of Public Safety may file a complaint in the Superior Court in the county where the building or premises is located to enforce the order of said officer or the Commissioner of Public Safety.

After notice and hearing, the court shall make such order, judgment or decree as law and justice may require, or the court may authorize the municipality to cause such building or premises to be forthwith repaired, torn down or demolished and such materials removed and all dangerous conditions remedied, as the case may be, at the expense of the municipality in which such property is situated. If the owner thereof, within 30 days after notice in writing of the amount of such expense, fails, neglects or refuses to repay said municipality the expense thereby incurred, a special tax may be assessed by the assessors against the land on which said building was located for the amount of such expenses, and such amount shall be included in the next annual warrant to the tax collector of said municipality for collection, and shall be collected in the same manner as other state, county and municipal taxes are collected. [PL 1973, c. 632, §3 (AMD).]

SECTION HISTORY

PL 1971, c. 592, §35 (AMD). PL 1973, c. 632, §3 (AMD).

§2394. Investigation of fire origin; Attorney General may direct

When property is destroyed or damaged by fire, the municipal fire inspector shall investigate the cause, circumstances and origin of the fire, and especially examine whether it was the result of carelessness or of design. The Attorney General may supervise and direct such investigation whenever the Attorney General determines it to be expedient or necessary. If arson is suspected, the municipal fire inspector shall immediately notify the State Fire Marshal or an inspector of the Office of the State Fire Marshal, who shall cause a full investigation thereof to be conducted. The State Fire Marshal and agents or employees of the Office of the State Fire Marshal may investigate or cause to be investigated any fire or explosion within the State. [PL 2011, c. 27, §1 (AMD).]

1. Certain explosions or fires; investigation and securing of evidence. In accordance with the protocol adopted by the State Fire Marshal pursuant to this subsection, the State Fire Marshal shall investigate and secure evidence of a gas explosion event. For purposes of this subsection, "gas explosion event" means an explosion or fire caused or suspected to be caused by or that involves natural gas or liquefied petroleum gas and that causes injury or substantial property damage, as determined according to the protocol adopted under this subsection. The State Fire Marshal shall develop a protocol for investigating and securing evidence under this section that:

A. Establishes reasonable standards for determining whether an explosion or fire may have been caused by or involved natural gas or liquefied petroleum gas and whether the explosion or fire caused injury or substantial property damage; and [PL 2011, c. 27, §1 (NEW).]

B. Establishes procedures for informing local fire officials of the requirements of this subsection and for coordinating the investigation, as appropriate, with local fire officials, the Public Utilities Commission, the utility or other entity that controlled, transported or delivered the natural gas or liquefied petroleum gas and other relevant entities. [PL 2011, c. 27, §1 (NEW).]

[PL 2011, c. 27, §1 (NEW).]

SECTION HISTORY

PL 1969, c. 377, §2 (AMD). PL 1971, c. 592, §7 (AMD). PL 1973, c. 632, §4 (AMD). PL 2011, c. 27, §1 (AMD).

§2395. Filing statement of fire occurrence

The municipal fire chief or a designee shall submit to the State Fire Marshal an incident report for each response made, regardless of whether an actual fire occurred. The report must be submitted in a manner consistent with a national fire incident reporting system. [PL 2007, c. 82, §2 (AMD).]

SECTION HISTORY

PL 1969, c. 377, §3 (AMD). PL 1971, c. 592, §8 (AMD). PL 1973, c. 632, §5 (RPR). PL 1979, c. 44 (AMD). PL 2007, c. 82, §2 (AMD).

§2396. Office of State Fire Marshal established; appointment

The Office of the State Fire Marshal is established as a bureau within the Department of Public Safety. The Commissioner of Public Safety, with the advice and consent of the Governor and subject to review by the joint standing committee of the Legislature having jurisdiction over public safety matters and to confirmation by the Legislature, shall appoint as State Fire Marshal a person experienced in fire prevention work to serve for a term of 4 years coterminous with the Governor. The State Fire Marshal may be removed by impeachment or by the Governor on the address of both branches of the Legislature. The Commissioner of Public Safety or the commissioner's designee shall appoint, subject to the Civil Service Law, such investigators, inspectors and other employees as are necessary to carry out the duties assigned to the office. The State Fire Marshal and the Commissioner of Public Safety or the commissioner's designee have all of the duties and responsibilities assigned to the office. [PL 2011, c. 655, Pt. WW, §1 (AMD).]

The State Fire Marshal, the State Fire Marshal's deputy and any public safety inspectors and investigators shall enforce all of the laws, ordinances and rules adopted by the Commissioner of Public Safety or enforceable by the Commissioner of Public Safety, directed toward and concerned with protection of the public in the following areas: [PL 1997, c. 728, §18 (AMD).]

1. Fires. The prevention and containment of fire and the protection of life and property from fire; [PL 1997, c. 728, §19 (AMD).]

2. Arson. The suppression of arson and investigation of cause, origin and circumstances of fires; [PL 1973, c. 632, §6 (RPR).]

3. Explosives. The storage, sale and use of combustibles, flammables, incendiary devices and explosives; [PL 2003, c. 535, §2 (AMD).]

4. Fire alarm. The installation, maintenance or sale of automatic or other fire alarm systems and fire extinguishing equipment; [PL 1973, c. 632, §6 (RPR).]

5. Fire escapes. The construction, maintenance and regulation of fire escapes; [PL 1973, c. 632, §6 (RPR).]

6. Means of egress. The adequacy of means of egress, in the case of fire, from factories, asylums, hospitals, churches, schools, halls, theaters, amphitheaters, dormitories, apartment or rooming houses, hotels, motels and all other places in which numbers of persons work, live or congregate from time to time for any purpose which comes within the scope of the current edition of the National Fire Protection Association No. 101, Life Safety Code; [PL 1979, c. 42 (AMD).]

7. Other duties. The performance of such other duties as are set forth in this and other sections of the statutes and as may be conferred or imposed from time to time by law. The State Fire Marshal, the State Fire Marshal's deputy and investigators appointed under this Title shall carry out those functions that the Commissioner of Public Safety may direct and in so doing have the same enforcement powers and duties throughout the State as sheriffs have in their respective counties. A public safety inspector for the purpose of enforcing section 2452, relating to statewide enforcement powers of the National Fire Protection Association No. 101, Life Safety Code, has the right to execute or serve criminal and civil violation process against offenders who violate the National Fire Protection Association No. 101, Life Safety Code. [PL 2017, c. 284, Pt. LLLLL, §1 (AMD).]

SECTION HISTORY

PL 1969, c. 377, §4 (AMD). PL 1973, c. 632, §6 (RPR). PL 1975, c. 579, §4 (AMD). PL 1979, c. 42 (AMD). PL 1979, c. 43 (AMD). PL 1985, c. 785, §B111 (AMD). PL 1991, c. 837, §§A57-59 (AMD). PL 1997, c. 728, §§17-20 (AMD). PL 2003, c. 42, §1 (AMD). PL 2003, c. 535, §2 (AMD). PL 2011, c. 655, Pt. WW, §1 (AMD). PL 2017, c. 284, Pt. LLLLL, §1 (AMD).

§2396-A. Public safety inspector, defined

For purposes of this Part, unless the context indicates otherwise, "public safety inspector" means an inspector acting under the direction of the Commissioner of Public Safety or the commissioner's designee. [PL 1997, c. 728, §21 (NEW).]

SECTION HISTORY

PL 1997, c. 728, §21 (NEW).

§2397. Witnesses; investigations private

The Attorney General, or the Attorney General's designee, has the power to summon and compel the attendance of witnesses before them or either of them, to testify in relation to any matter that is a subject of inquiry and investigation under sections 2394 to 2396 and to compel the production of all books, records, documents and papers pertaining to that subject of inquiry and investigation. The Attorney General, or the Attorney General's designee, may administer oaths and affirmations to persons appearing as witnesses before them, and false swearing in any matter or proceeding as described in this paragraph is deemed perjury and must be punished as such. [RR 2023, c. 1, §56 (COR).]

The Commissioner of Public Safety, the Attorney General, or their designees, shall have authority, at all times of the day or night, in the performance of the duties imposed upon them, to enter upon and examine any building or premises where a fire is in progress or has occurred and other buildings or premises adjoining or near the same. Persons other than those required to be present by the provisions hereof may be excluded from the place where such investigation is held and witnesses may be kept separate and apart from one another and not allowed to communicate with one another until they have been examined. [PL 1971, c. 592, §35 (AMD).]

SECTION HISTORY

PL 1969, c. 377, §5 (RPR). PL 1971, c. 592, §35 (AMD). RR 2023, c. 1, §56 (COR).

§2398. Insurance companies to report all loss adjustments to commissioner (REPEALED)

SECTION HISTORY

PL 1969, c. 153 (RP).

§2399. Commissioner of Public Safety's expenses

The Commissioner of Public Safety may incur reasonable expenses in educating the public in fire prevention and protection. [PL 1973, c. 727, §1 (RPR).]

Every fire insurance company or association that does business or collects premiums or assessments in the State shall pay to the State Tax Assessor, in addition to the taxes now imposed by law to be paid by those companies or associations, 1.4% of the gross direct premiums for fire risks written in the State, less the amount of all direct return premiums thereon and all dividends paid to policyholders on direct fire premiums. Beginning in 2013 and every 5 years thereafter, by October 1st the Department of Professional and Financial Regulation, Bureau of Insurance shall determine for the subsequent 5 years the basis percentage of fire risk allocated to each line of insurance, and every fire insurance company or association shall pay the 1.4% tax based on that basis allocation. That tax must be paid as provided for insurance premium taxes as specified in Title 36, section 2521-A, except that the tax prescribed by this section must be paid on an estimated basis at the end of each month, with each installment equal

to at least 1/12 of the estimated total tax to be paid for the current calendar year. The State Tax Assessor shall pay over all receipts from that tax to the Treasurer of State daily. Of these funds 75.7% must be used to defray the expenses incurred by the Commissioner of Public Safety in administering all fire preventive and investigative laws and rules and in educating the public in fire safety and is appropriated for those purposes and to carry out the administration and duties of the Office of the State Fire Marshal. Of these funds 24.3% must be used to defray the expenses of the fire training and education program as established in Title 20-A, chapter 319. [PL 2013, c. 546, §6 (AMD); PL 2013, c. 546, §17 (AFF).]

Whenever a surplus accumulates in the special fund created by this section that is sufficient to defray the expenses of administration of this section for an ensuing period of one year, then, in the discretion of the Commissioner of Public Safety, the foregoing special tax for that year may be omitted, and the Commissioner of Public Safety shall certify to the State Tax Assessor that the special tax is to be omitted. The certification must be made not later than the 31st day of January of the year in which the tax would otherwise be assessed. [PL 1997, c. 728, §22 (AMD).]

SECTION HISTORY

PL 1973, c. 632, §§7,7-A (AMD). PL 1973, c. 727, §1 (RPR). PL 1977, c. 258 (AMD). PL 1981, c. 456, §§A89,A90 (AMD). PL 1983, c. 43 (AMD). PL 1985, c. 797, §63 (AMD). PL 1987, c. 816, §HH1 (AMD). PL 1991, c. 9, §J1 (AMD). PL 1997, c. 728, §22 (AMD). PL 2013, c. 95, §1 (AMD). PL 2013, c. 546, §6 (AMD). PL 2013, c. 546, §17 (AFF).

§2400. Municipal fire inspectors to keep records

Municipal fire inspectors shall record or cause to be recorded all returns made under this chapter. [PL 1973, c. 632, §8 (AMD).]

SECTION HISTORY

PL 1973, c. 632, §8 (AMD).

§2401. Violations

Any municipal fire inspector or any insurance company neglecting or refusing to perform any duty required by this chapter shall be punished by a fine of not less than \$10 nor more than \$100 for each offense. [PL 1973, c. 632, §9 (AMD).]

SECTION HISTORY

PL 1973, c. 632, §9 (AMD).

§2402. Limited immunity

(REPEALED)

SECTION HISTORY

PL 1977, c. 275 (NEW). PL 1981, c. 404, §1 (RP).

§2403. Thermal Imaging Camera Program

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Commissioner" means the Commissioner of Public Safety or the commissioner's designee. [PL 2001, c. 439, Pt. BBBB, §1 (NEW).]

B. "Fund" means the Thermal Imaging Camera Fund established in this section. [PL 2001, c. 439, Pt. BBBB, §1 (NEW).]
[PL 2001, c. 439, Pt. BBBB, §1 (NEW).]

2. Program established. The commissioner shall oversee the Thermal Imaging Camera Program to negotiate one or more bulk purchases of thermal imaging cameras on behalf of local fire-fighting units and, to the extent funds are available, to provide loans for the purchase of such cameras by local fire-fighting units. The commissioner shall determine how many thermal imaging cameras local fire-fighting units wish to purchase under the program and shall negotiate a bulk purchase price of those cameras, provided that the units are able to pay for the cameras or have qualified for a loan pursuant to subsection 4.

[PL 2001, c. 439, Pt. BBBBB, §1 (NEW).]

3. Fund established. The Thermal Imaging Camera Fund is established from which the loans authorized under subsection 4 may be made. The fund, which is a nonlapsing fund, receives money from appropriations made by the Legislature and from any other public or private source including repayment of loans. Money deposited in the fund and any interest earnings on that money remain in the fund to be used for loans pursuant to this section.

[PL 2001, c. 439, Pt. BBBBB, §1 (NEW).]

4. Loans and purchases authorized. To the extent money is available in the fund, the commissioner may make interest-free loans to local fire-fighting units, or the appropriate units of government with jurisdiction over the fire-fighting units, to assist in the purchase of the thermal imaging cameras for which the commissioner negotiates a price pursuant to subsection 2. The commissioner may recover administrative costs associated with administering the loans through a processing fee equitably imposed on local fire-fighting units, or the units of government with jurisdiction over the fire-fighting units, which receive loans under this section. The commissioner shall also arrange for the direct purchase of a thermal imaging camera by a local fire-fighting unit if no loan is sought or available. The commissioner by rule shall establish procedures for determining which local fire-fighting units qualify to receive loans in the event the fund is insufficient to provide loans to all fire-fighting units that seek loans. Rules adopted to implement this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

[PL 2001, c. 439, Pt. BBBBB, §1 (NEW).]

SECTION HISTORY

PL 2001, c. 439, §BBBBB1 (NEW).

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