



Janet T. Mills  
GOVERNOR

STATE OF MAINE  
Department of Public Safety  
Office of State Fire Marshal  
52 State House Station  
Augusta, ME 04333-0052

Michael Sauschuck  
COMMISSIONER

Joseph E. Thomas  
STATE FIRE MARSHAL

Public Hearing on Proposed Rule  
August 29, 2019, 9-10 a.m.  
Champlain conference room, Dept. of Public Safety

Proposed rule: Chapter 4, WATER-BASED FIRE PROTECTION SYSTEMS

**Fire Marshal's Office Staff: Rich McCarthy , Gerry Leach, Michelle Mason Webber, Josh Mailman** watched from the audience

Hearing opened at 9:00 am:

Paul Tardif Eastern Sprinkler Company, 107 employees support the majority of the rules except section 3A Roles and responsibilities : spoke off a written document. Current rule allows flexibility. RMS requirements are significant, including certification. Provided written copy of testimony.

- Believes this change would cost his company \$ 128,000
- Would require the same RMS to review all projects
- NICET III that is required to be RMS is not easy to obtain
- RMS for their company are also the designers full time so this would remove them from designing
- Believes a small segment of residential projects are creating this issue.
- Believes section 3A should not be changed.

Dana Stewart from Dean & Allyn: Weekly inspections are being done by qualified people. Training involves more than 5 years for RMS folks. To add staff to accomplish rule change will impact volume of work being done right now. He supports RMS program. If the state could articulate what the issue is, the company can understand the issue. Tariffs and cost of materials have also been increasing over the past several years.

- Currently 2 RMS on staff
- Prefer section 3-A to allow qualified people to stay in current rule.
- Travel time to jobsites would be a hardship for the company.

---

PREVENTION \* LAW ENFORCEMENT \* RESEARCH

OFFICES LOCATED AT: 45 CIVIC CENTER DRIVE, AUGUSTA, MAINE 04330  
(207) 626-3870 ADMINISTRATION/ INVESTIGATIONS (207) 287-3659 TDD (207) 287-6251 FAX  
(207) 626-3880 INSPECTIONS/ PLANS REVIEW

- Working on training 2 more RMS it takes 5 years to train an RMS tried to go out of State to hire but no people available.
- Would need to add staff if rule went through as written and that is not possible, would have to pass on work due to staffing.
- Cannot keep up with workload as it is now.
- No issues with Dean & Allyn's work or inspections that they are aware of.
- Performed 1348 Inspections last year at a cost of \$750,000 new regulation would make projects more costly.

Jerry Bosse, High Tech Fire: not having a dually authorized person would be physically impossible to deal with the phasing and installs. He sees where this is needed, but wants to participate in a compromise. Don't know if he has the numbers at the time to do what would be required if the dually authorized representative is removed from the rule.

- Their company has 2 RMS with 35 permitted jobs at one time: it is not possible to inspect everything , there would be a compromise to the inspection.
- The reason behind the change is legitimate, but right now the industry cannot handle the change.

Dan Hubbard, representing Uponor and Brent Katula RMS for Uponor and 10 other companies: has comments from in-state contractors who have skin in the game regarding 3-A dually authorized representatives. Disagrees with changes to 3-A that eliminates dually authorized reps. There would be a cost impact to his company but also costs passed on to customers.

- Disagrees with the removal of section 3-A.
- Would be an increase of \$300,000 for company.
- Would remove RMS from designing for ½ year to do inspections, and reduce the amount of projects to be completed.
- Sprinkler systems in Maine could be the most expensive in the nation.
- E-mails under separate cover from the following Corey Sandborn, Steven Bellow, Peter Serephin, Thomas Killeen
- Feedback overwhelmingly against striking section 3-A.
- Fire protection professionals vs. contractor installations, trained 2,000 plumbers, fire protection folks have larger learning curve vs. plumbers
- While the spirit of the changes are noble but unintended consequences will make Maine sprinkler systems the most expensive systems per sq. ft. in the nation.

(Comments he provided from competitors/customers he talked to- he sent a copy of the comments via email). Dan echoes Jerry's comment about compromise: performing inspections on own systems, you will make pragmatic decisions at some point. Will eventually look the other way when it comes down to dollars & cents. Not a good idea for RMS at a company shouldn't do the company's inspections. Outside inspection is better. Municipalities could do inspections and the company could train people on inspections. Dan: feedback overwhelmingly against changes to 3-A. He used to be an RMS in Maine. 13-D systems are affordable for a homeowner. Changes are noble but unintended consequences would make Maine's systems most expensive on a price/per/square foot standpoint.

Paul Jappe, Viega LLC: makes PEX systems. He does all designs and uses an RMS. Listening to comments, he has to believe it will have an impact on his company.

- Involved in the process for 10 years- currently design out of Nashua N.H. Has not prepared a statement- not sure how it will affect them.

---

**PREVENTION \* LAW ENFORCEMENT \* RESEARCH**

Tom Keefe, Viega LLC: was fire sprinkler designer for the company. He did a 2-day training in NH for people and did training in Maine.

- With their proximity they provide 2 day training onsite to help plumbers.
- Always used Maine RMS for inspections
- Here to remain in the loop- would be nice to implement authorized people to perform inspections.

Mike Joanis, Conevant Sprinkler: don't do much in Maine but wants to speak in opposition to changes to 3-A. He's always self-imposed a standard. Structural engineer in Maine can delegate authority: the changes would be above and beyond the standards he deals with in other states. The part that he sees is missing is direct supervision. He has RMS people working in Maine for him, and he insists on making a visit to check. For larger projects he could only be required to visit twice.

- In opposition of removing 3-A.
- He is a professional engineer and RMS in Maine: he can delegate supervision, which is missing from rule.
- Third parties not inspecting or making trips.
- Mom& Pop small business small projects adding thousands of dollars to a job for cost of visits.
- Depending on project inspections may require multiple visits.
- In opposition of rule change- would like to see a better plan to move forward with.

The discussion then moved to the insurance requirements

Rich McCarthy: as we adopt code standards to expand or clarify what is in statute, it's put in front of public for comment; we respond back, and then it goes to the legislature. Decisions made by administration will determine how we move forward. We can make an amendment to what was proposed and then have another public comment period, or send the draft to legislature (Criminal Justice committee) for debate.

Dana Stewart: regarding proposed changes to 1-1.3 and 1-1.4 insurance. He's not sure of wording changes. We have liability insurance that covers workmanship & design. Maine Life Safety standard is what we are talking about? Our insurance company would not ....not sure what this coverage is that we would provide. What was the intent of these two sentences?

- His insurance covers liability and workmanship
- Concerns that coverage from underwriters does not get into systems, would have to be designed to standard no insurance carrier would do it.
- 1-1.4 should be removed

Rich McCarthy-response from agency: intent of those pieces under 1-1.3 actual property owner would have to provide evidence from insurance company. Their insurance carrier knows what they are carrying.

Dana: "Acceptance" not a good word. They fall under 1-1.4. What do you want sprinkler contractor to do?

Rich McCarthy-response from agency: your insurance carrier: are they aware you are putting in a non-national system?

Dana: code allows authority to adjust codes to meet requirements. They don't get into that with a discussion with their underwriters. 1-1.3 could stay there, but 1-1.4 should be removed.

Mike Joanis: "acceptance" means looking for written documentation from insurance company. If it was changed to say sprinkler contractor has notified insurance company, they could provide a letter showing they are aware that the system isn't non-national system.

---

**PREVENTION \* LAW ENFORCEMENT \* RESEARCH**

- Owner to notify of non-recognized standard does not believe they would receive that in writing

Jerry Bosse: comment on 1-1.4: same thing Dana said: professional liability is based on MLS standards.

- Professional liability based on installing to AHJ requirements- this is a very slippery slope . Believes MLS would go away if required to provide insurance notification.

Hearing closed at 9:47 am.

Department response to questions & concerns at the public hearing: After consideration of the issues and concerns brought up in the public hearing, the Department intends to modify the draft text and provide a new comment period on the modified draft text.

---

**PREVENTION \* LAW ENFORCEMENT \* RESEARCH**

OFFICES LOCATED AT: 45 CIVIC CENTER DRIVE, AUGUSTA, MAINE 04330  
(207) 626-3870 ADMINISTRATION/ INVESTIGATIONS (207) 287-3659 TDD (207) 287-6251 FAX  
(207) 626-3880 INSPECTIONS/ PLANS REVIEW