Maine Fire Marshal Documents

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Maine Fire Marshal News, June 2006

Maine Office of State Fire Marshal

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WELCOME!

We hope most of you had the time to read the first edition of the Maine Fire Marshal News we sent to you in March. We received a lot of kind words and suggestions about the newsletter. We appreciate that and hope you’ll continue to read it and feel free to submit articles and information of interest to those of us interested in all aspects of Maine’s fire service.*

A NOTE FROM THE FIRE MARSHAL

Thank you for taking the time to read our newsletter and happy summer. With the arrival of the summer months I’d like to call your attention to some summer related fire issues that have always concerned me.

Although more fire deaths occur during the winter months, the State Fire Marshal’s Office urges Maine residents and visitors to be aware that many outdoor summer activities carry potential fire hazards. The National Association of State Fire Marshal’s join in Maine’s efforts to keep “safe” from fires and burns and recommend that you consider the following information and safety tips.

Though we all love a good barbecue we need to be careful. The latest statistics from NFPA reflects that in 2002, gas and charcoal grills caused 900 structure fires and 3,500 outdoor fires in or on home properties, resulting in a combined direct property loss of $30 million.

When using barbecue grills on decks or patios, be sure to:

- leave sufficient space from siding and eaves;
- always watch the grill when in use, and;
- keep children and pets far away from grills.

With charcoal grills, only use charcoal starter fluids designed for barbecue grills and do not add fluid after coals have been lit.

With gas grills, be sure that the hose connection is tight and check hoses carefully for leaks. Applying soapy water to the hoses will easily and safely reveal any leaks.

Always follow the manufacturer’s instructions and have the grill repaired by a
Fire Marshal’s note cont’d from page 1

professional, if necessary. The US Consumer Product Safety Commission suggests that before purchasing a grill or container, that it bear the mark of a nationally recognized testing laboratory.

Another activity enjoyed in particular here in Maine is camping. When planning or actually camping remember to:

- Always use a flame retardant tent and set up camp far away from the campfire;
- Only use flashlights or battery-powered lanterns inside the tent or any other closed space, not liquid-filled heaters or lanterns;
- Always build your campfire down wind away from your tent. Clear all vegetation and dig a pit surrounded by rocks before building your campfire;
- Store liquid fire starter (not gasoline) away from your tent and campfire and only use dry kindling to freshen a campfire.

Finally, remember to put out a campfire when going to sleep or leaving the campsite. Make sure you extinguish the fire cover with dirt or pour water over it. Feel free to contact me if you are interested in more specific information on these or other fire related topics and let me thank you again for reading our newsletter and above all, have a safe, fun and happy summer of 2006.*

Sincerely,
John C. Dean
State Fire Marshal

ABOUT FIREWORKS AND REGULATION
By John C. Dean, Fire Marshal & Richard E. Taylor, Planning and Research Analyst

Many believe it is difficult to be a state agency assigned under statute with the duty to regulate fireworks. Reality makes this an easier task than you might think.

Many criticize efforts aimed at regulating fireworks because there are not a “lot of injuries.” The truth is in Maine, and elsewhere, we’ve just begun to develop methods to determine how often injuries resulting from fireworks actually occur. Most injuries are not front-page news and many may not even get reported to anyone. Regardless of the yet to be determined number of incidents there is a very disturbing reality about fireworks incidents. The cruel fact is that when things go wrong with fireworks, they typically go wrong very fast and the outcome can be both horrific and irreversible.

Still critics attempt to minimize the danger of fireworks and efforts aimed at reducing injuries. Their reasoning is that most of these injuries are due to poor judgment not the fireworks. But who’s getting hurt in these cases? It’s careless adults and innocent children. About 45% of all fireworks related injuries involve children under the age of fourteen and this represents an improvement over the past two years! Critics of regulations might try to explain their rationale to the parents of these children:

- The seven-year old boy who has lost half his left hand including fingers when he ignited an M-80 found hidden in a family members bedroom; or,
Fireworks Regulations cont’d from page 2

- the parents of an 8-year old girl who received second and third degree burns to her leg when a sparkler set her dress on fire; or,
- two boys, seven and eight who received first and second degree burns to the arms when the bottle rocket they were playing with exploded prior to burning a garage.

In addition to injuries resulting from the immediate explosion of the device, fires caused by fireworks injure and kill others as well. About 9,300 fireworks related injuries were reported in 2003 (CDC, National Center for Injury Prevention and Control). Remember, these injuries occurred in a second and the luxury of intervening before serious harm is no more than pure fantasy.

Let’s allow children to be children and as adults assume the responsibilities of applying good judgment when it comes to fireworks. Leave the fireworks to the trained professionals! “Safe and sane” fireworks have caused more injuries than illegal fireworks. Maine forbids all fireworks except sparklers, morning glories and paper caps but adults still need to beware. Availability and a child’s curiosity can team up for an unfortunate episode all of us would like to avoid.*

MEFIRS YIELDS SURPRISING DATA ON JUVENILE FIRE SETTING

by Richard Taylor, Planning and Research Analyst

Beginning in 2004 the Maine Fire Incident Reporting System contained a component for recording data about juvenile fire setting incidents. The data includes regional, age, and property loss variables. The first year of reporting was an eye opener.

The data revels that in 2004 reporting Maine Fire Departments responded to a total of 376 events they recorded as being juvenile fire setting incidents. These incidents accounted for 9.2% of the combined structural, wildland and other fire incidents reported. The total property loss for the three categories combined was $31.2 million of which 37%, or $11.5 million, were reported as juvenile fire setting incidents.

This distribution of reported incidents by county is set out in the table below. As you can see the counties rank in terms of the percentage of juvenile fire setting incidents doesn’t match the counties rank in overall population. Neither does it match the counties rank in terms of the percentage of citizens under 18.

<table>
<thead>
<tr>
<th>County</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Penobscot</td>
<td>23%</td>
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<tr>
<td>Cumberland</td>
<td>14%</td>
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<tr>
<td>Knox</td>
<td>13%</td>
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<td>Aroostook</td>
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<td>Waldo</td>
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<td>Kennebec</td>
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<td>Androscoggin</td>
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<td>York</td>
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<td>Oxford</td>
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<td>Hancock</td>
<td>3%</td>
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<td>Somerset</td>
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<td>Washington</td>
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<td>Lincoln</td>
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<tr>
<td>Franklin</td>
<td>1%</td>
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The 2004 data tells us more about the reporting patterns in various counties and illustrates why it is so critical to report using the MEFIRS system. Not only do we need to grow the number of reporting departments, we need all departments to fill out as much detail about these incidents as they can using the MEFIRS instrument.

Absent the most thorough and accurate account of such events, it is difficult to assess this aspect of the states fire burden. An inability to assess this aspect of the fire burden accurately makes it difficult to develop the most cost effective and efficient program for reducing juvenile fire setting incidents in the long term.*
RULES UPDATE

The following rules of the Fire Marshal’s Office have been officially adopted and should be posted soon on the Secretary of States web page at url: http://www.maine.gov/sos/cec/rules/16/chaps16.htm

Chapter 1: Fee Schedule for Plans Examination
Chapter 4: Sprinkler Systems
Chapter 6: Fire Extinguishing Systems
Chapter 7: Dry Cleaning Plants
Chapter 16: Storage and Handling Of Liquefied Petroleum Products
Chapter 19: Vapor Removal from Cooking Equipment
Chapter 25: Rules for the Display of Fireworks
Chapter 34: Rules and Regulations for Flammable and Combustible Liquids

A noteworthy change of particular interest came in Chapter 34, Rules and Regulations for Flammable and Combustible Liquids. For the first time it is now legal to operate an unattended retail gas station 24 hours a day. Though Chapter 34 will be reviewed and changed primarily for the purpose of clarification, this aspect of the rule will not change and those operating unattended retail operations will have regulatory guidance.

2006 – 07 RULEMAKING PLANNING

The docket for the 2006-07 rulemaking agenda is being reviewed internally as outlined in the last edition of this newsletter with the following exceptions:

Chapter 4, Sprinkler Systems. The SFMO will now consider updating the latest versions of NFPA 13, 13D, and 13R. This is due to the anticipated release of the new editions later this fall.

Chapter 17, National Fire Alarm Code. Again this is now being considered anticipating the release of the new codes later this fall.

For additional information on rulemaking don’t hesitate to contact Richard Taylor at 626-3873 or Richard.e.taylor@maine.gov

LEGISLATIVE SUMMARY: Second Session of the 122ND MAINE LEGISLATURE

The second session of the 122nd Maine Legislature:

- LD 10 – Resolve, To Fund a Study Regarding Health Care for Maine’s Firefighters – Died on adjournment;
- LD 1414 - An act to Authorize Municipalities to Create Municipal Fire Districts – Dead;
- LD 1508 - Resolve, Directing the Department of Professional and Financial Regulation To Conduct a Sunrise Review Regarding the
Legislation cont’d from page 4

Regulation of Fire Alarm Contractors
– Enacted, Resolve Chapter 137

• LD 1825 - "An Act to Facilitate Inspections of Heating Appliances and Chimneys" – Enacted, Public Law Chapter 571

• LD 1879 - An Act to Enhance Firefighter Safety (Truss Roof Sign on buildings) – Dead*

THE IMPORTANT ROLE OF THE CEO IN REDUCING MAINE’S FIRE BURDEN
by Richard Taylor, Planning and Research Analyst

While researching fire fatality and various approaches used to reduce it, I realized how important a role the CEO plays in reducing the State’s fire burden.

Not only did I notice it, but so has the State Planning Office. In the “Questions and Answers” section of a November 2001 issue of The Maine CEO it was pointed out that under existing law, 25 MRSA § 2353, the “inspector of buildings shall inspect each new building during the process of construction, so far as may be necessary, to see that all proper safeguards against the catching or spreading of fire are used, that the chimneys and flues are made safe and that proper cutoffs are placed between the timbers in the walls and floorings where fire would be likely to spread, and may give such directions in writing to the owner or contractor, as he deems necessary, concerning the construction of such building so as to render the same safe from the catching and spreading of fire.”

This is a tremendous responsibility when you consider that over 90% of fatalities will occur in buildings the SFMO inspectors never see. It is the CEOs who see newly constructed homes.
CEOs and Fire Burden cont’d from page 5

and the critical heating, electrical, and chimney systems contained therein. With all the other issues CEO’s must contend with their position is one that, in my view commands respect and appreciation.

Though most fatalities are the result of carelessness, many others are the result of poorly constructed, installed or maintained mechanical systems. Public education, awareness or direct intervention efforts simply can’t replace the CEO’s eye for these issues.

With that in mind I hope to see many of them, as well as fire department personnel, at the NFPA training the SFMO will hold later this year.*

During the coming year the organization has a number of goals. The number one goal is to have a mandatory burn reporting law enacted. At this time there is a burn reporting law that allows for the burn to be reported, but it is not mandatory. The statute is listed below:

MRSA 25§2415: Reporting by health care practitioner

1. Reasonable cause to suspect; information disclosed. A health care practitioner, as defined by Title 24, section 2502, subsection 1-A, who, as a result of the practitioner's examination or treatment of a person for a burn injury, has reasonable cause to suspect that the burn injury was sustained in connection with an act of arson, may report it to the Office of the State Fire Marshal. The health care practitioner's report may include the name and address of the person examined or treated, the basis for the practitioner's suspicion and other information which, in the judgment of the practitioner, may aid in investigation by the Office of the State Fire Marshal. [1989, c. 267 (new).]

2. Immunity. A health care practitioner who, acting in good faith in reporting under this section or participating in a related investigation or proceeding, makes a report pursuant to subsection 1 is immune from civil or criminal liability for the act of reporting or participating in a related investigation or proceeding. Good faith does not include instances when a false report is made and the person knows the report is false. Nothing in this section may be construed to bar criminal or civil action regarding perjury. [1989, c. 267 (new).]

3. Presumption of good faith. In a proceeding regarding immunity from liability, there shall be a rebuttable
presumption that a report made under subsection 1 was made in good faith. [1989, c. 267 (new).]

4. Privileged or confidential communications. The physician-patient privilege under the Maine Rules of Evidence is abrogated in relation to a report authorized under subsection 1. [1989, c. 267 (new).]

The law provides the health care practitioner “may,” but is not required, to notify the Office of State Fire Marshal if they have reasonable cause to believe the person they are treating with burns has committed arson.

It is important for burn notification to be made for a number of reasons. The first is for a timely and complete investigation to prove the elements of the crime of Arson. The second is for the timely investigation of fires that may lead to fatalities. As the agent assigned by the Attorney General’s Office to investigate fire and explosion deaths, it is common practice for the Medical Examiner’s Office and the State Fire Marshal’s Office to work closely together. On a more common basis than one would think, the Fire Marshal’s Office is contacted by the Medical Examiners Office to get information regarding a fire death that the Fire Marshal’s Office knows nothing about. This generally occurs when the victim of a fire, which is not reported to the Fire Marshal’s Office is transported to a health care facility and during the course of treatment, passes away. The fire investigator must then attempt to conduct a complete and thorough investigation, even though a period of time has gone by. This can be extremely problematic if the cause of the fire is determined to be arson. I am looking forward to moving this issue ahead in the coming months. If you have an interest in this matter I would like to hear from you.

The Maine Chapter has also established a tentative training schedule for the coming year, which is subject to change:

- **October:** Psychological issues affecting the firesetter. Instructor Laurie Cyr-Martel
- **December:** Basic fire chemistry and fireground tactics & strategies. Instructor TBD
- **February:** Legal issues from the civil side of fire investigations. Instructor Attorney Mike Soucey and others.
- **April:** Forensic Mapping and Diagramming of Scenes. Instructor ATF&E
- **June:** Fire Investigator Safety and Response to Terrorist Incidents. Instructor David Kircher.

The Maine Chapter is open for membership to anyone involved in the area of fire investigations. We welcome anyone with questions to contact us or check us out on the web at www.iaaimaine.com.

Timothy P. York, IAAI-CFI.
fireinv1304@verizon.net
President
Maine Chapter IAAI

For additional information on Maine’s IAAI visit the web at www.iaaimaine.com

**FIRE MARSHAL’S INSPECTOR STEPHEN “STEVE” DIXON HONORED BY MODA**

by Richard E. Taylor, Planning and Research Analyst

On June 20th, the Maine Oil Dealers Association awarded a plaque to SFMO Stephen Dixon honoring him for “many years of tireless dedication and service to the safety of the citizens of Maine.” The
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insp. dixon cont’d from page 7

sfmo regulates flammable and combustible liquids in maine and inspector dixon has had to assess and balance the public safety needs of maine with the legitimate business interests that use these liquids.

this honor is testimony to inspector dixon’s willingness to examine all angles of proposed regulatory actions and facilitate the development of cost efficient rules that help industry while protecting the public.

http://www.firesafecigarettes.org/

investigator dan roy to leave state fire marshal’s office
by richard e. taylor, planning and research analyst

veteran fire investigator dan roy who also served as president of the maine chapter of the international association of arson investigators will be leaving the sfmo for work investigating fires in the private sector.

dan began his work with the sfmo in 1998 and was known for being an extremely affable and dedicated officer. he worked well with everyone in and outside of the office and was always willing to take on extra tasks ranging from training other officers and people in the fire service; developing

inspectors to participate in cpsc child care facility consultations program
by richard e. taylor, planning and research analyst

for the third straight year inspectors from the sfmo will conduct a survey of child care facilities they routinely inspect using the consumer products safety commission’s injury prevention checklists.

essentially, the inspectors will work with the facility owner to look for products considered unsafe or dangerous by the cpsc and provide the child care facility owner with information about products they might have or are considering purchasing in the future. the surveys are more a consultation in that the facility is examined for features that mitigate as well as those that might lead to and/or exacerbate injury to children. in the past this has been a good learning experience for both the facility owner and the inspector by generating awareness of the impact various facility features and equipment have on the welfare of children in attendance.

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the IAAI Chapter here in Maine; writing for this newsletter; and, most recently did research on the SFMO concluding with a report on the history of the office.

Everyone wishes him well and we know we’ll see him around Maine. Good luck Dan and thank you.

2006 FIRE FATALITIES
by Richard E. Taylor, Planning and Research Analyst

The 2006 fire fatality count in Maine has reached eleven. With a little more than half a year left the State appears on track to meet the states mean of approximately 20 fatals per year since 1995. It should be noted however that October and December, two months in which Maine has experienced a high frequency of fire fatality, have yet to pass.

In terms of distribution by gender, males, as expected in all areas of injury and mortality, lead the way with eight of the ten fatalities. The age factor is more unusual this year than we’ve seen recently. With a range of 80 years separating the youngest victim from the oldest, the distribution is, relatively speaking, equally spread out over the young, middle, and older age cohorts. However, four of the ten victims were over sixty-five, which is consistent with Maine’s higher than national average fatality rate among our older population. What is most unusual about this year is the loss of three children ten and under in three separate incidents.

With the exception of July, the summer months have historically produced the lowest count of fire fatalities. Hopefully this trend will continue through this year. *

FIRE SPRINKLER LAWS IN MAINE
By Eric J. Ellis, Fire Protection Engineer & Richard E. Taylor, Planning and Research Analyst

The discussion about sprinkler systems continues to grow following the release of the NFPA’s 2006 edition of the 101 Life Safety Code. This code includes a provision requiring “All new one- and two-family dwellings be protected throughout by an approved automatic sprinkler system ...” (sec. 24.3.5.1)

Before we begin it should be made clear that the State Fire Marshal’s Office believes, based upon research conducted by this office on the incidence, fatality, and injury due to fires in Maine, that sprinkler systems in residential dwellings will save lives and property. This research is corroborated by data at the national level as well. It appears that many in Maine believe that there are no laws in this State regarding sprinkler systems. That is not true.

Below is a summary of major Maine laws that have to do with the requirement for fire sprinkler systems. Keep in mind this is a rough summary leaving out many details but citations are provided for you to conduct your own investigation. In Maine we have:

- The Fire Sprinkler Law, 32 MRSA §§ 1371 through 1382. This law went into effect 1-1-90 and requires the industry to be licensed and to get permits from our office before beginning installations. There are exceptions for small jobs of a certain size;
Fire Sprinkler Laws cont’d from page 9

- **The Hotel Law**, 25 MRSA § 2463 requires an automatic fire sprinkler system for all hotels that are new after 1-1-92, if they have 2 or more stories above grade and have 15 or more sleeping rooms for hire;

- **The High Rise Law** is the same as the Hotel Law. It includes a few lines that also require all high-rise buildings built after 1-1-92 to have an automatic fire sprinkler system. The term "high-rise building" is defined as any building used for any commercial purpose that is 75 feet or more above grade level;

- **The Dormitory Law**, 25 MRSA § 2463-A, Chapter 317 requires the University of Maine System, the Maine Community College System, the Maine Maritime Academy, and the Maine School of Science and Mathematics to provide automatic fire sprinkler systems for dormitories that are new as of 1-1-01 before occupancy will be allowed. Existing dormitories for these schools are also required to have automatic fire sprinkler systems, but they are allowed to phase in the systems by 1-1-13 according to a specified time schedule;

- **The Fire Escape Law**, 25 MRSA § 2453 includes this line on fire sprinklers, “Any apartment building of 3 stories or less in its entirety is permitted to have a single exit under the condition that the building is protected throughout by an approved automatic sprinkler system, meets the requirements of the applicable chapter of the National Fire Protection Association Life Safety Code 101 and every sleeping room has a 2nd means of escape.”

- **The Life Safety & Property Protection Law**, 25 MRSA 2452 includes parts related to sprinkler system are in quotes as follows: “Automatic sprinkler systems that 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.” and also this quote, “Existing buildings licensed pursuant to Title 22, Subtitle 6 [see The Assisted Living Law below] having more than 6 boarders, with the exception of board and care facilities and children's homes, must comply with any rules for residential-custodial care facilities required by the Commissioner of Public Safety, except that such existing facilities of not more than 2 stories in height are not required to be fire resistive, protected or unprotected noncombustible, protected wood frame or heavy timber construction. Such existing facilities must be protected by a complete approved automatic sprinkler system and meet all other requirements of residential-custodial care facilities as required by the Commissioner of Public Safety.”

- **The Assisted Living Law**, 22 Subtitle 6, § 7856, includes this line on fire sprinklers, “All assisted living programs must be inspected using the chapter pertaining to new apartment buildings of the National Fire Protection Association Life Safety Code adopted by the Department of Public Safety, Office of the State Fire Marshal and must be protected throughout by a supervised, automatic sprinkler system approved by the Commissioner of Public Safety.”

In addition to these laws and the existing SFMO rules addressing sprinklers there are towns in Maine with ordinances that also require sprinklers under various circumstances.

Should the requirements of the latest edition of the NFPA 101 Life Safety Code become rule, most experienced policy analysts will view it as a classic example of government by increments as opposed to a rash aberration from the current situation.

**Consumer Products Safety Commission**

For information on consumer products recalled for safety reasons you can go see [www.cpsc.gov](http://www.cpsc.gov)
By Richard E. Taylor, Planning and Research Analyst

The key to understanding the NFPA's 101 Life Safety Code is to remember two terms: use and occupancy. With that in mind I asked people what are the top five most cited violations of the code they see. Mind you, this is not a random scientific sample but I thought you'd be interested to know.

The five violations mentioned most often were as follows:

1. Non-working smoke detection devices in occupancies that require them. In particular we found residential properties that are also used as foster homes, home day care facilities, rooming and lodging places, etc.
2. Lack of approved or maintained means of exiting and escape in all types of applicable occupancies. Perhaps this might be the most frequent violation;
3. Combustible storage practices in applicable occupancies. This violation can occur in health care facilities and residential occupancies as well. Essentially this involves storing flammable materials or simply storing too much combustible material for the given space;
4. Improper installation and maintenance of heating equipment. This violation is particularly critical since heating fires can result in Class 2 fatalities where the victims are unaware there was even a problem;
5. Inappropriate mixed use and, or, occupancy of a structure. This occurs primarily when someone changes the use of a facility to more than one use with differing occupancies without checking with code enforcement officials or, when building alteration is required, the Fire Marshal's Office Plans Review unit regarding code requirements. Tip: It's always best to call the Fire Marshal's Office.*

UPCOMING EVENTS

Safe this Date! The State Fire Marshal will host a videoconference workshop of play safe! be safe!® from Florian Hall in Augusta to Portland, Bangor, and Presque Isle, locations TBA.

This workshop will provide a fascinating and entertaining look into the preschool child’s perception of fire, the surprising frequency of children’s misuse of fire, practical approaches to teach young children fire safety, and introduction to the award winning play safe! be safe!® kit. This event is co-sponsored by the Office of the State Fire Marshal, MRDC, Inc., WCSH 6 TV, Head Start, Maine Fire Training & Education, and Maine Injury Prevention (MECDC).

There will be a morning session 9:30 – 12:30 for teachers and other direct care providers and an afternoon session, 1:30 – 3:00, for trainers (who must also attend the 9:30 sessions).

The fee to attend will be $10.00 and will include the kit (a $60.00 value). For more information regarding registration contact:

Richard E. Taylor, R&P Analyst
Office of the State Fire Marshal
52 SHS
Augusta, Maine 04333-0052
207-626-3873*

* Additional information regarding registration contact and event details.
The Egress Window

Since I started working at the SFMO I've been asked on a number of occasions “what is an egress window”? Well, here it is.

**THE EGRESS WINDOW**

*double-hung*  

*casement*

When the window is in the normal open position the opening must be at least 5.7 square feet in area.

A times B must equal at least 820.8 square inches.

The width of the opening must be at least 20 inches.

The height of the opening must be at least 24 inches.

20 x 24 only equals 480 square inches, not enough.

32 x 26 = 832 square inches. 832 divided by 144 equals 5.7777 square feet.
Maine Fire Marshal
Department of Public Safety
52 State House Station
Augusta, Maine 04333
www.mainefiremarshal.com

Phone: 207-626-3870
E-Mail: Richard.e.taylor@maine.gov

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Editors: Richard E. Taylor & Lori Gunn

To submit articles for publication contact the Fire Marshal’s Office at (207) 626-3870 and ask to speak with the editors. You may also e-mail an article or comment to Richard.e.taylor@maine.gov

All articles are subject to an editorial staff review prior to inclusion. For a copy of submission requirements contact the editorial staff.