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By: **Chairman, Environmental Matters Committee (Departmental - State  
Police, Dept. of)**

Introduced and read first time: January 19, 2000  
Assigned to: Environmental Matters

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Committee Report: Favorable  
House action: Adopted  
Read second time: February 29, 2000

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CHAPTER 336

1 AN ACT concerning

2 **State Fire Marshal - Powers and Duties - Inspectors**

3 FOR the purpose of authorizing the State Fire Marshal to designate certain  
4 individuals as fire safety inspectors; and generally relating to the powers and  
5 duties of the State Fire Marshal.

6 BY repealing and reenacting, with amendments,  
7 Article 38A - Fires and Investigations  
8 Section 7  
9 Annotated Code of Maryland  
10 ( 1997 Replacement Volume and 1999 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
12 MARYLAND, That the Laws of Maryland read as follows:

13 **Article 38A - Fires and Investigations**

14 7.

15 (a) (1) The office of State Fire Marshal is established as an agency of the  
16 Department of State Police.

17 (2) (i) The Secretary of the State Police shall appoint a State Fire  
18 Marshal for a six-year term from a list of 3 names submitted by the State Fire  
19 Prevention Commission.

1 (ii) The Fire Marshal is in the executive service of the State  
2 Personnel Management System and can be removed by the Secretary of the State  
3 Police, at any time, for neglect of duty or other conduct unbecoming the office. The  
4 Commission may recommend to the Secretary the removal of the Fire Marshal for  
5 cause. Prior to removal, the Fire Marshal shall be given timely notice by the Secretary  
6 with a statement of the charges and an opportunity in person or by counsel for a  
7 public hearing thereon.

8 (iii) The State Fire Marshal shall receive the salary provided in the  
9 State budget.

10 (iv) The State Fire Marshal shall be appointed in accordance with  
11 the following qualifications:

12 1. Graduation from an accredited college or university; and

13 2. Five years of recent progressively responsible experience  
14 in fire prevention inspection, fire investigation, fire safety promotion, fire protection  
15 engineering, teaching fire safety engineering, or fire fighting, three years of which  
16 must have been at the administrative level.

17 (b) The State Fire Marshal, by delegation of authority vested in the State Fire  
18 Prevention Commission and within policy established by the State Fire Prevention  
19 Commission, has all responsibility for the implementation of fire safety programs in  
20 the State designated to minimize fire hazards and disasters and loss of life and  
21 property from these causes. These responsibilities include, but are not limited to, the  
22 establishment and enforcement of fire safety practices throughout the State,  
23 preventive inspection and correction activities, coordination of fire safety programs  
24 with volunteer and paid fire companies, and other State agencies and political  
25 subdivisions exercising enforcement aspects, and critical analysis and evaluation of  
26 Maryland fire loss statistics for determination of problems and solutions.

27 (c) (1) A fire marshal or appropriate fire official legally designated by a  
28 county or municipal corporation of the State shall serve as assistant State fire  
29 marshal, without compensation, for the purpose of carrying out the provisions of this  
30 article, including issuance of orders, in that county or municipal corporation. Where  
31 there is no legally designated fire marshal in a county or municipal corporation, the  
32 State Fire Marshal shall carry out the provisions of this article therein.

33 (i) The minimum qualifications for an assistant State fire marshal  
34 shall be the completion of National Fire Protection Association (NFPA) Standard 1031  
35 - Fire Inspector I or the equivalent, as determined by the State Fire Marshal.  
36 However, all legally appointed deputy State fire marshals or special deputy State fire  
37 marshals serving as of July 1, 1985, are exempt from the minimum standard  
38 provisions of this section. The State Fire Marshal may administer an examination  
39 based upon NFPA 1031 before a person is certified as an assistant State fire marshal.

40 (ii) Upon recommendation of the State Fire Marshal, an assistant  
41 or special assistant State fire marshal may be removed after an administrative  
42 hearing for just cause by a majority decision of the State Fire Prevention Commission.

1           (2)       Upon the advice of an assistant State fire marshal, the State Fire  
2 Marshal may designate as a special assistant State fire marshal, a member of any fire  
3 department, duly organized and operating in this State, if the designee is a full-time  
4 employee of the fire department and performs fire inspections or fire investigations.  
5 The Fire Marshal may designate as a special assistant State fire marshal any law  
6 enforcement officer involved in arson investigations or any other suitable persons  
7 meeting the standards established under this article. A special assistant serves at the  
8 pleasure of the State Fire Marshal and without compensation from the State. The  
9 special assistant shall assist the State Fire Marshal in carrying out his duties under  
10 this article.

11       (d)       (1)       The State Fire Marshal's office shall have such assistants,  
12 consultants, and employees as may be provided for in the budget from time to time.

13           (2)       The full time investigative and inspection assistants in the office  
14 shall be known as deputy State fire marshals and shall meet the minimum  
15 qualifications required and complete the training prescribed by the Maryland Police  
16 Training Commission for a police officer. The requirement of minimum qualifications  
17 and training shall apply only to the full time investigative and inspection assistants  
18 in the State Fire Marshal's office and not to the fire inspectors and fire investigators  
19 of the local political subdivisions of the State.

20           (3)       THE STATE FIRE MARSHAL MAY DESIGNATE CIVILIAN EMPLOYEES  
21 TO CONDUCT INSPECTIONS AND SUBMIT REPORTS AS NECESSARY. THE MINIMUM  
22 QUALIFICATIONS FOR A CIVILIAN EMPLOYEE SHALL BE THE COMPLETION OF THE  
23 NATIONAL FIRE PROTECTION ASSOCIATION STANDARD 1031.

24       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 July 1, 2000.