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

Introduced and read first time: January 19, 2000

Assigned to: Environmental Matters

Committee Report: Favorable

House action: Adopted

Read second time: February 29, 2000

CHAPTER _____

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.