


Maine.gov	Agencies Online Services Help	Page Tools	GO	State Search:	GO
 DEPARTMENT OF PUBLIC SAFETY Office of State Fire Marshal STATE OF MAINE		Search Fire Marshal's Office: <input type="text"/> Go			

[Home](#) | [Contact Us](#) | [Online Services](#) | [Newsletter](#) | [FMO Annual Reports](#) | [Fire Safety Articles](#) | [FAQ](#)

BUREAU INFORMATION

Fire Marshal's Message
Investigations
Inspections
Plans Review
Fire Sprinklers
Maine Fire Sprinkler RSS Feed
Laws, Codes, & Standards
Licenses
Permits
Inspections
Design & Installation Issues
Residential Fire Sprinkler Systems
Adoption of NFPA 101
Fire Department Connections
Homeowner Installed Systems
Insurance Discounts
Pex Pipe Inspection
Sprinkler System vs Cisterns
Unfinished Basement Ceilings
Use in Condos
Statistics
Types of Multipurpose Home Systems
Maine Fire Incident Reporting System
Maine Fire Protection Services Commission
Fire Service Rules & Laws
Research & Reports
Personnel Directory

[Home](#) > [Fire Sprinklers](#) > [Residential Fire Sprinkler Systems](#) > Adoption of NFPA 101

Statement from the State Fire Marshal on the Adoption of NFPA 101, 2006 Edition

The following is our statement about our 9-3-07 adoption of the 2006 edition of National Fire Protection Association's 101 Life Safety Code, which introduces the requirement for fire sprinkler systems in all new homes.

"Based upon research conducted at the local, state and national level, the Office of State Fire Marshal has concluded that sprinkler systems in residential dwellings will save lives and property in Maine. As you know, the residential sprinkler system requirement is a major change in the code. I have had many discussion with a variety of groups on this issue and it is obvious that there needs to be an extensive public awareness and educational push by everyone interested in this before this would ever be accepted in Maine as a mandatory requirement.

Based on my experience in this legislature, I can assure you there would be very strong opposition to this requirement. I was severely chastised by the Criminal Justice and Public Safety Committees for adopting NFPA 211 with the requirement to inspect chimneys when property is sold. This would be in a state with the 7th oldest housing stock and extensive use of alternative heating appliances. Interestingly enough, the only representative from the fire service at the hearings and work sessions was the Maine Fire Chief's lobbyist - not one fire chief or firefighter was there to defend the standard and help explain the importance of making sure that chimneys are safe.

Until we can get the public, fire service, insurance companies, architects, engineers, builders, Maine Municipal Association, and legislature to buy into the value of residential sprinklers, we will not have any chance of getting this provision passed."

John C Dean, State Fire Marshal

It should be noted that the 2006 edition of NFPA 101 also had two other changes requiring fire sprinkler systems where not previously required. One was that all existing nursing homes would have to have fire sprinkler systems. This does not really effect us in Maine, since only 2 nursing homes fall into that category, and they both have already been in the process of becoming fully sprinklered. The other change however requires fire sprinkler systems in certain existing places of assembly, as described below, along with our policy statement:

The requirement for fire sprinkler protection in certain existing assemblies with occupant loads that exceed 100 comes from the 2006 edition of National Fire Protection Association's 101 Life Safety Code, in section 13.3.5.1. They are listed as (1) Bars with live entertainment, (2) Dance halls, (3) Discotheques, (4) Nightclubs, and (5) Assembly occupancies with festival seating.

In category (5) listed above, it should be noted that the code explains that "festival seating" refers to live entertainment events where no seating other than a floor or ground surface is provided for the audience who are gathered to observe a performance. The annex further explains that these events are those that are expected to result in overcrowding, and *"it is not the intent to include exhibitions, sports events, dances, conventions and bona fide political, religious and educational events. Assembly occupancies with 15 square feet or more per person should not be considered festival seating."* Recognize however that some of these categories may already require fire sprinkler systems under other parts of the Life Safety Code, as they also did in the 2003 edition.

The following is our official policy on implementing this new section of the code:

(a) Banquets, (such as wedding banquets), where a specific banquet event and/or a banquet meal is the focus will be exempt.

(b) Nightclubs where only a single entertainer, (or a couple), is performing and there is no promoted dancing, will be exempt.

(c) Private clubs, (such as Elks Club, American Legion, etc.), where the occupancy is limited to the membership of those clubs will be exempt.

These exceptions assume that the basic, longstanding NFPA 101 Life Safety Code requirements are being met.

We also acknowledge that a large number of seasonal facilities such as Maine campgrounds, church-owned facilities and youth camp facilities would not fall into any of the 5 types of existing assemblies that require a fire sprinkler system, although it is possible that some might.

Where fire sprinkler systems are required, in nearly all cases, we will allow the use of a state-fabricated fire sprinkler standard, called the Maine Life Safety standard, which was developed as an affordable option to other standards.

Where there is a history of violations, there will be no grace period, but we will allow up to 5 years of time for installation of fire sprinkler systems for facilities where there is no history of violations.

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