

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

FIRST SPECIAL SESSION

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 2100

H. P. 1707

House of Representatives, January 2, 1974

Referred to Committee on Legal Affairs. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mr. Curtis of Orono.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FOUR

AN ACT Relating to Municipal Fire Protection.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. R. S., T. 25, c. 311, repealed. Chapter 311 of Title 25 of the Revised Statutes, as amended, is repealed.

Sec. 2. R. S., T. 30, § 1205, additional. Title 30 of the Revised Statutes is amended by adding a new section 1205, to read as follows:

§ 1205. Insurance for firefighters

Any county may expend funds to be accounted for as other moneys of the county for the purchase of accident and disability insurance on a county-wide basis, protecting all persons whether part-time, full-time or on call, and whether paid or unpaid, while acting as firefighters for any municipal department or incorporated volunteer fire association.

Sec. 3. R. S., T. 30, § 2152, sub-§ 3, repealed. Subsection 3 of section 2152 of Title 30 of the Revised Statutes, is repealed.

Sec. 4. R. S., T. 30, c. 228, additional. Title 30 of the Revised Statutes is amended by adding a new chapter 228 to read as follows:

**CHAPTER 228
MUNICIPAL FIRE PROTECTION**

§ 3771. Definitions

For the purposes of this chapter the following terms shall have the following respective meanings, unless a different meaning clearly appears from the context.

1. **Municipal fire department.** A municipal fire department shall mean an organized firefighting unit established pursuant to municipal charter, ordinance or bylaw for the purpose of fire prevention and extinguishment.

2. **Municipal firefighters.** A municipal firefighter shall mean an active member, whether full-time, part-time or on call, of a municipal fire department, who aids in the extinguishment of fires or an individual who receives compensation from the municipality for aiding in the extinguishment of fires.

3. **Volunteer fire association.** A volunteer fire association shall mean an organized firefighting unit incorporated pursuant to Title 13, chapter 81, and which is officially recognized by the municipality. An appropriation of money by the municipality toward the support of a volunteer fire association is sufficient evidence of official recognition.

4. **Volunteer firefighter.** A volunteer firefighter shall mean an active member of a volunteer fire association who receives no compensation from the municipality other than injury and death benefits.

§ 3772. Fire protection

Municipalities may provide fire protection for its inhabitants by maintaining a municipal fire department, supporting an incorporated volunteer fire association or by contracting with other governmental units for fire protection service.

§ 3773. Fire chiefs

Notwithstanding the method of fire protection services provided by a municipality, a fire chief shall be appointed in each municipality.

1. **Term; compensation.** Unless otherwise provided by contract or municipal ordinance, fire chiefs shall be appointed for an indefinite term. The compensation of the fire chief shall be determined by the municipal officers.

2. **Powers and duties.** The fire chief shall:

A. Direct and control all firefighters in the performance of firefighting operations within the municipality;

B. Unless otherwise provided by administrative ordinance, be authorized to employ all municipal firefighters, appoint a deputy and other officers in a municipal fire department; and remove them for cause after notice and hearing;

C. Be authorized, with the approval of the municipal officers, to promulgate administrative rules and regulations relating to municipal fire protection, consistent with this chapter and municipal ordinances;

D. Provide a training program for firefighters within the municipality in cooperation with appropriate governmental agencies;

E. Provide for the maintenance of all town owned fire equipment and buildings used by the municipal fire department;

F. Prepare and submit annually to the chief administrative official of the municipality a budget relating to fire protection activities;

G. Be authorized to obtain assistance from persons at the scene of a fire to extinguish the fire and protect persons and property from injury;

H. Be authorized to pull down and demolish structures and appurtenances if he judges it necessary to prevent the spread of fire;

I. Suppress disorder and tumult at the scene of a fire and, generally to direct all operations to prevent further destruction and damage.

§ 3774. Firefighters

1. Duties. Firefighters shall be under a duty to extinguish all fires to which they are called, protect lives and property endangered by fires and carry out all other related activities as directed by the fire chief.

2. Training. All firefighters shall attend training sessions as scheduled by the fire chief.

3. Medical examinations. No person shall be employed as a municipal firefighter unless he has undergone a complete medical examination. Nor shall any person serve as a municipal firefighter, who, in the opinion of competent medical authority after examination, is not physically capable of performing the duties required of him.

§ 3775. Municipal liability

1. Vehicular accidents. In the event a vehicle owned by a municipal fire department or an incorporated volunteer fire association, going to or from any assigned call or duty, is involved in any accident or mishap when collision with any other vehicle, object or persons occurs, and there is any liability on the part of the operator of said vehicle, the municipality shall be responsible for payment of any damage or loss occasioned thereby.

2. Demolished buildings. If the pulling down or demolition of any structure or appurtenance, except that in which the fire originated, is used as the means of stopping the spread of fire, the owner of said structure or appurtenance is entitled to recover reasonable compensation therefor from the municipality in a civil action.

§ 3776. Liability of volunteer fire associations and firefighters

All volunteer fire associations and firefighters thereof, under the direction and control of the fire chief and while actually engaged in firefighting operations, shall be considered agents of the municipality and shall enjoy the same privileges and immunities as the municipality or employees thereof performing a governmental function.

§ 3777. Fire aid to other municipalities

Unless otherwise provided by municipal ordinance, the municipal officers may authorize the municipal fire department to aid in extinguishing fires in other municipalities. Municipal and volunteer firefighters when assisting

other municipalities shall have the same privileges and immunities as when acting in their own municipality. Any municipality may compensate an aiding municipality or incorporated volunteer fire associations for damage to the aiding department or associations' property and to any firefighter or to his widow or dependents on account of injury or death sustained in the course of rendering aid to that municipality.

STATEMENT OF FACT

The purpose of this bill is to replace outmoded, inconsistent and unclear laws relating to municipal fire protection. If proposed federal legislation relating to fire protection is enacted, this bill would greatly facilitate coordination of aid to the State and its municipalities. Many Maine municipalities are in very low insurance rating classifications resulting in high fire insurance costs to homeowners and commercial enterprises. Defining responsibilities and organizational status at the local level should improve training of firefighters and administration generally, both of which are factors in present fire insurance rating systems. This bill also expressly grants to volunteer firefighters the same immunities as municipal firefighters.

This proposed legislation has been endorsed by the Fire Service Training Section, Maine Department of Educational and Cultural Services, the Bureau of Fire Prevention, Maine Department of Public Safety, the Maine Municipal Association and the Maine Fire Chief's Association.