

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 972

H.P. 721 House of Representatives, March 26, 1987  
Reference to the Committee on Legal Affairs suggested and  
ordered printed.

EDWIN H. PERT, Clerk  
Presented by Representative RUHLIN of Brewer.  
Cosponsored by Senator BUSTIN of Kennebec,  
Representatives HALE of Sanford and GREENLAW of Standish.

STATE OF MAINE

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-SEVEN

AN ACT to Create Minimum Safety Standards for  
Firefighters.

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

26 MRSA c. 27 is enacted to read:

CHAPTER 27

MINIMUM SAFETY STANDARDS FOR

FIREFIGHTERS

§2101. Definitions

As used in this chapter, unless the context indi-  
cates otherwise, the following words have the follow-  
ing meanings.

1           1. Firefighter. "Firefighter" means any person  
2 who aids in the extinguishment of fires or responds  
3 to emergencies as an employee or member of a fire de-  
4 partment or voluntary association, whether he is a  
5 paid career employee or member, on call or a volun-  
6 teer.

7           §2102. Firefighter training program

8           All fire departments shall have a training pro-  
9 gram which shall meet their needs and include the  
10 following:

11           1. Municipal program. Training in accordance  
12 with Title 30, section 3774;

13           2. Protective equipment. Training in the use of  
14 protective equipment required by this law;

15           3. Minimum standards. Training which is de-  
16 signed in such a manner that all firefighters shall  
17 be trained to a minimum National Fire Protection As-  
18 sociation Standard #1001, Firefighter Level One;

19           4. Injury protection. Training and education  
20 programs to prevent occupational accidents, deaths,  
21 injuries and illnesses;

22           5. Commensurate with duties. Training and edu-  
23 cation for all firefighters commensurate with the du-  
24 ties and functions that they are expected to perform;

25           6. Safety. Training and education for fire-  
26 fighters to ensure that they are able to perform  
27 their assigned duties in a safe manner to themselves  
28 and others;

29           7. Emergency. Basic training and education,  
30 covering all areas specified by this law, provided to  
31 any fire department employees and members before they  
32 engage in emergency operations;

33           8. Poisons. For employees or members required  
34 to handle or use poisons, caustics or other harmful  
35 substances, instruction regarding the safe handling  
36 and use of the substances and the potential hazards  
37 involved and the personal hygiene and protective mea-  
38 sures required; and

1           9. Equipment. Training in the care, use, in-  
2 spection, maintenance and limitations of the protec-  
3 tive clothing and equipment assigned to them or  
4 available for their use.

5           10. Records. Complete records of individual  
6 training for firefighters shall be maintained by all  
7 employers.

8           §2103. Standards for equipment and clothing

9           Any standard referred to in this section shall be  
10 the most recent standard in effect.

11           1. Protective equipment. The fire department  
12 shall provide each firefighter with the appropriate  
13 protective equipment to provide protection from the  
14 hazards of the work environment to which the member  
15 is or may be exposed. The protection shall be suit-  
16 able for the tasks which the member is expected to  
17 perform.

18           Protective equipment shall be used whenever the  
19 firefighter is exposed to the hazards for which that  
20 equipment is provided.

21           Protective equipment shall be provided for all fire-  
22 fighters who enter structural fires or when hazards  
23 require the protection. No firefighter may enter a  
24 structural fire or be in proximity of other hazards  
25 without protective equipment. Protective equipment  
26 shall consist of:

27           A. Protective clothing;

28           B. Head protection;

29           C. Foot protection;

30           D. Hand protection;

31           E. Eye and face protection;

32           F. Hearing protection; and

33           G. Self-contained breathing apparatus.

1           2. Protective clothing. Protective garments  
2 configured as a coat and trousers, or as a coverall,  
3 shall be designed to provide all firefighters body  
4 protection from moisture, flames, radiant heat, con-  
5 tact with caustic or toxic materials or other harmful  
6 exposures. After the effective date of this section,  
7 all firefighter protective clothing purchased or sold  
8 shall meet or exceed the National Fire Protection As-  
9 sociation Standard #1971.

10           3. Head protection. A firefighter's helmet  
11 shall be a light colored nonconductive material.  
12 Dark colored, nonconductive helmets may be used if  
13 reflective tape is applied to the exterior sides of  
14 the helmet. Existing helmets shall comply with the  
15 American National Standards Institute Z89.1-1969.  
16 Any new helmet purchased or sold after the effective  
17 date of this section shall meet 29 Code of Federal  
18 Regulations, Part 1910, General Industry Standards of  
19 the Occupational Safety and Health Administration,  
20 subpart L.

21           4. Foot protection. All firefighters' boots  
22 shall have a puncture resistant, slip resistant sole.  
23 All boots purchased or sold after the effective date  
24 of this section shall meet or exceed the American National  
25 Standards Institute Z89.1 and 29 Code of Federal  
26 Regulations, Part 1910, General Industry Stan-  
27 dards of the Occupational Safety and Health Adminis-  
28 tration.

29           5. Hand protection. A firefighter shall be pro-  
30 vided with heat insulating gloves or mittens which  
31 are not readily flammable. The gloves or mittens  
32 shall meet Federal Occupational Safety and Health Ad-  
33 ministration Standard 1910.156(4) and the National  
34 Fire Protection Association Standard #1973.

35           6. Eye and face protection. Eye and face pro-  
36 tection shall be provided for and used by firefight-  
37 ers engaged in fire suppression and other operations  
38 involving hazards to the eyes and face at all times  
39 when the face is not protected by the full facepiece  
40 of self-contained breathing apparatus.

41           7. Hearing protection. Hearing protection shall  
42 be provided for and used by all firefighters operat-

1 ing or riding on fire apparatus when subject to noise  
2 in excess of 90 decibels. Hearing protection shall  
3 be provided for and used by members when exposed to  
4 noise in excess of 90 decibels from power tools or  
5 equipment, except in situations where the use of the  
6 protective equipment would create an additional haz-  
7 ard to the user.

8           8. Self-contained breathing apparatus.  
9 Self-contained breathing apparatus shall be provided  
10 for all firefighters who enter structural fires or  
11 when present hazards require that protection. No  
12 firefighter may enter a structural fire or other  
13 present hazard without self-contained breathing appa-  
14 ratu s. All respiratory apparatus purchased or sold  
15 after the effective date of this section shall be  
16 classified as pressure demand, self contained, and  
17 have a minimum of 1/2 hour normal service life, plus  
18 an additional 1/2 hour capacity in a spare cylinder.  
19 The entire unit shall meet the Mine Safety Health Ad-  
20 ministration, the National Institute for Occupational  
21 Safety and Health and the National Fire Protection  
22 Association standards.

23 An inspection procedure for self-contained breathing  
24 apparatus shall be adopted and shall include at least  
25 the following, as specified in the American National  
26 Standards Institute Z 88.5:

27           A. A complete inspection of all components, air  
28 supply and warning devices to be performed weekly  
29 and after each use;

30           B. The facepiece shall be cleansed and sanitized  
31 after each use; and

32           C. All inspections for each self-contained  
33 breathing apparatus shall be recorded showing  
34 date of inspection and findings.

35 Self-contained breathing apparatus cylinders must  
36 contain a minimum air supply of 80% of the rated ca-  
37 capacity of the cylinder to be considered in-service.  
38 Each department shall establish a program of mainte-  
39 nance and repair to insure that self-contained  
40 breathing apparatus retains its original effective-  
41 ness as recommended by the manufacturer.

1 Harnesses for protective breathing apparatus pur-  
2 chased or sold after the effective date of this sec-  
3 tion shall be constructed of aramid or other fabric  
4 that provides thermal protection consistent with the  
5 minimum requirements for protective clothing. Har-  
6 nesses shall be certified by the National Institute  
7 for Occupational Safety and Health.

8 Within 3 years from the effective date of this sec-  
9 tion, all breathing apparatus in service shall con-  
10 form to this requirement.

11 9. Personal alert safety system. It is strongly  
12 suggested that all fire departments provide Personal  
13 Alert Safety System (PASS) with every self-contained  
14 breathing apparatus. Any such devices shall meet the  
15 National Fire Protection Association Standard #1982.

16 10. Fire service life safety rope, harness and  
17 hardware. Any fire service life safety rope, harness  
18 and hardware purchased or sold after the effective  
19 date of this section shall meet National Fire Protec-  
20 tion Association Standard #1983.

21 All equipment in use 2 years after the effective date  
22 of this subsection shall meet National Fire Protec-  
23 tion Association Standard #1983.

24 §2104. Penalty

25 After the effective date of this section, any  
26 person who knowingly violates this chapter shall be  
27 held liable for any injuries or damages caused by the  
28 violations which shall constitute a civil violation  
29 and shall be subject to a penalty of not less than  
30 \$10,000.

31 §2105. Limitation of liability

32 Any person employing firefighters shall not be  
33 liable for injuries or damages resulting from viola-  
34 tions of this chapter by manufacturers, vendors,  
35 dealers or agents of manufacturers, vendors or deal-  
36 ers.

1 STATEMENT OF FACT

2 The purpose of this bill is to specify and update  
3 minimum requirements for training, safety and protec-  
4 tive clothing and equipment for fire departments,  
5 fire brigades or those individuals involved in fire  
6 suppression, rescue or related activities.

7 The prevention and reduction of accidents, inju-  
8 ries and occupational illnesses are the goals of this  
9 bill and shall be primary considerations at all  
10 times. To operate with the highest possible levels  
11 of safety and health and provide a safe and healthy  
12 work environment, recognizing the dangers involved in  
13 the routine and exceptional hazardous activities of  
14 firefighting.

15 Nothing in this bill is intended to restrict any  
16 jurisdiction from exceeding these minimum require-  
17 ments.

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