

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

SECOND REGULAR SESSION-2000

Legislative Document

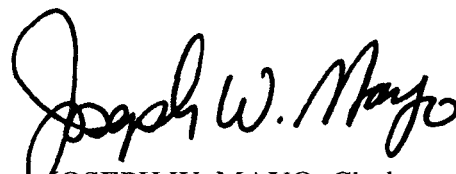
No. 2685

H.P. 1940

House of Representatives, April 8, 2000

**An Act to Implement the Recommendations of the Commission to
Consider the Enhancement of Fire Protection Services Throughout the
State.**

Reported by Representative POVICH for the Joint Standing Committee on Criminal
Justice pursuant to Resolve 1999, chapter 65, section 8.


JOSEPH W. MAYO, Clerk

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

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Sec. 1. 5 MRSA c. 319 is enacted to read:

CHAPTER 319

MAINE FIRE PROTECTION SERVICES COMMISSION

§3371. Maine Fire Protection Services Commission

1. Commission established. The Maine Fire Protection Services Commission, referred to in this chapter as the "commission," is established to monitor and evaluate the State's fire protection services system on a continuing basis and to provide recommendations to the appropriate state agencies and to the Legislature regarding necessary changes in the fire protection services system. The commission is established pursuant to section 12004-J, subsection 12.

2. Membership. The commission consists of 21 members appointed as follows:

A. Two members of the Senate who sit on the joint standing committee of the Legislature having jurisdiction over fire protection matters, appointed by the President of the Senate;

B. Three members of the House of Representatives who sit on the joint standing committee of the Legislature having jurisdiction over fire protection matters, appointed by the Speaker of the House of Representatives;

C. The State Fire Marshal or the fire marshal's designee;

D. The Supervisor of the Forest Fire Control Division of the Maine Forest Service or the supervisor's designee;

E. The Director of the Bureau of Labor Standards or the director's designee;

F. One municipal fire chief who is a full-time fire chief and a member of the Maine Fire Chiefs Association, appointed by the Governor;

G. One municipal fire chief who is a volunteer fire chief and a member of the Maine Fire Chiefs Association, appointed by the Governor;

H. One municipal fire chief who is paid on call and a member of the Maine Fire Chiefs Association, appointed by the Governor;

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3 I. Six firefighters appointed as follows:

4 (1) Two career firefighters who are members of the
5 Professional Fire Fighters of Maine, appointed by the
6 Governor;

7 (2) Two call firefighters who are members of the Maine
8 State Federation of Fire Fighters, appointed by the
9 Governor; and

10 (3) Two volunteer firefighters who are members of the
11 Maine State Federation of Fire Fighters, appointed by
12 the Governor;

13 J. The administrator of the Maine Fire Training and
14 Education Program within the Maine Technical College System,
15 or the administrator's designee; and

16 K. Three persons appointed by the Governor, including:

17 (1) One member representing the Governor's office;

18 (2) One public member; and

19 (3) One member representing the insurance industry.

20 The Governor shall request a list of names from the organizations
21 covered under paragraphs F to I from which to make appointments.

22 3. Chair. The Governor shall designate the first chair
23 from among the appointees. The first chair shall call the first
24 meeting of the commission as soon as funding permits. At the
25 first meeting, the commission shall select a chair, a vice-chair,
26 a secretary and a treasurer from among its members. The
27 commission may select new officers annually.

28 4. Terms of appointment. The terms of appointment are as
29 follows.

30 A. Of the initial gubernatorial appointments, 4 must be for
31 terms of 3 years, 4 must be for terms of 2 years and 4 must
32 be for terms of one year.

33 B. Subsequent gubernatorial appointments are for terms of 3
34 years. Members may serve beyond their designated terms
35 until their successors are appointed.

36 C. Terms of appointment for Legislators coincide with their
37 respective legislative terms of office.

2 D. Other appointed members who are neither Legislators nor
3 gubernatorial appointees serve for terms of 3 years.

4 5. Meetings. The commission may meet as often as necessary
5 but must meet at least quarterly. A meeting may be called by the
6 chair or by any 4 members. The commission shall take and
7 maintain minutes of all meetings.

8 6. Staffing. If funding permits, the commission may employ
9 staff as needed. The staffs of the members represented on the
10 commission may assist the commission in carrying out its
11 functions and duties within their existing resources. The
12 commission may contract for administrative, professional and
13 clerical services if funding permits.

14 7. Funding. The commission may seek, accept and expend
15 outside funding to carry out its duties.

16 8. Duties. The commission shall:

17 A. Regularly advise the Governor and executive officers,
18 the Legislature, the Maine Forest Service, municipal fire
19 departments and any other parties affected by its
20 recommendations regarding fire protection services;

21 B. Submit a report containing the results of its studies,
22 findings and recommendations to the Governor and to the
23 joint standing committee of the Legislature having
24 jurisdiction over fire protection services matters by
25 December 31st of each year. As resources permit, the report
26 must include:

27 (1) A detailed assessment of existing and needed
28 resources within the State's fire protection services
29 system, including capital needs for training facilities;

30 (2) A detailed assessment of expected resource needs
31 in the State's fire protection services system and
32 recommendations for funding those needs, including an
33 evaluation of the appropriate level for the fire
34 premium tax and bond initiative proposals;

35 (3) An evaluation of existing fire prevention, fire
36 suppression, fire safety and fire training strategies
37 and programs, including recommendations for
38 improvements or new programs or strategies;

39 (4) Recommendations for effective management of
40 resources within the State's fire protection services
41 system;

- 2 (5) Recommendations for enhancing the collection and
4 distribution of fire data, particularly as these data
 relate to increasing the fire protection services'
 capacity to fight fires and to save lives;
- 6 (6) Recommendations regarding evaluation methodology
8 for the State's fire protection services system;
- 10 (7) Recommendations for recruitment and retention of
12 volunteers, including a length-of-service incentive
 program for volunteer firefighters;
- 14 (8) Recommendations for creating a health insurance
 bridge for retired career firefighters;
- 16 (9) Recommendations regarding fire investigation and
18 inspection service needs of the Department of Public
 Safety, Office of the State Fire Marshal; and
- 20 (10) Recommendations regarding grants available for
22 fire training and fire protection needs;
- 24 C. Develop rules of procedure necessary to carry out its
26 duties. Rules adopted pursuant to this paragraph are
 routine technical rules as defined in Title 5, chapter 375,
 subchapter II-A;
- 28 D. Adopt rules to carry out the purposes of Title 30-A,
30 chapter 154, Maine Firefighter Training Fund. Rules adopted
 pursuant to this paragraph are routine technical rules as
32 defined in Title 5, chapter 375, subchapter II-A;
- 34 E. Conduct public hearings, conferences, workshops and
36 other meetings to obtain information about and discuss and
 publicize the needs of and solutions to problems concerning
 the State's fire protection services;
- 38 F. Assist all governmental agencies with firefighter
40 training and education responsibilities to enhance their
 delivery of services to fire prevention, protection and life
42 safety professionals, including paid, call and volunteer
 fire service members; and
- 44 G. Submit proposed legislation to the Legislature to
46 implement any recommendations of the commission.

48 **Sec. 2. 5 MRSA §12004-J, sub-§12** is enacted to read:

50 **12.** Maine Fire Legislative 5 MRSA

2 Fire Services Per Diem §3371
3 Protection Commission and
4 Services Expenses

6 **Sec. 3. 5 MRSA §18005, sub-§2**, as amended by PL 1991, c. 885,
Pt. E, §12 and affected by §47, is further amended to read:

8 **2. Workers' compensation or similar law.** The amount
9 payable under this article must be reduced by any amount received
10 by the surviving spouse and dependent child or dependent children
11 under former Title 39, the Workers' Compensation Act or Title
12 39-A, Part 1, the Maine Workers' Compensation Act of 1992, or a
13 similar law. For purposes of this article, a death benefit paid
14 to a firefighter or emergency medical services person under Title
15 25, chapter 195-B is not considered a benefit paid under a
16 "similar law" and may not be used to reduce the amount payable
17 under this article.

18 A. Lump-sum settlements of benefits that would reduce the
19 accidental death benefits under this subsection must be
20 prorated on a monthly basis in an equitable manner
21 prescribed by the board.

22 B. The prorated lump-sum settlement amounts must reduce the
23 accidental death benefits payable monthly under this article.

24 **Sec. 4. 5 MRSA §18605, sub-§2**, as amended by PL 1991, c. 885,
25 Pt. E, §16 and affected by §47, is further amended to read:

26 **2. Workers' compensation or similar law.** The amount payable
27 under this article must be reduced by any amount received by the
28 surviving spouse and dependent child or dependent children under
29 former Title 39, the Workers' Compensation Act or Title 39-A,
30 Part 1, the Maine Workers' Compensation Act of 1992, or a similar
31 law. For purposes of this article, a death benefit paid to a
32 firefighter or emergency medical services person under Title 25,
33 chapter 195-B is not considered a benefit paid under a "similar
34 law" and may not be used to reduce the amount payable under this
35 article.

36 A. Lump-sum settlements of benefits that would reduce the
37 accidental death benefits under this subsection must be
38 prorated on a monthly basis in an equitable manner
39 prescribed by the board.

40 B. The prorated lump-sum settlement amounts must reduce the
41 accidental death benefits payable monthly under this article.

42 **Sec. 5. 25 MRSA c. 195-B** is enacted to read:
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3 CHAPTER 195-B

4 DEATH BENEFITS FOR FIREFIGHTERS AND EMERGENCY
5 MEDICAL SERVICES PERSONS WHO DIE WHILE
6 IN THE LINE OF DUTY

7 §1621. Definitions

10 As used in this chapter, unless the context otherwise
11 indicates, the following terms have the following meanings:

12
13 1. Emergency medical services person. "Emergency medical
14 services person" means a person who is licensed to provide
15 emergency medical treatment under Title 32, chapter 2-B and is
16 actively serving a public agency in an official capacity as an
17 officially recognized or designated employee or member of a
18 rescue squad or ambulance crew, with or without compensation, or
19 who is an employee of an emergency medical service as defined in
20 subsection 2.

21
22 2. Emergency medical service. "Emergency medical service"
23 means a nonprofit, incorporated ambulance service or
24 nontransporting emergency medical service licensed under Title
25 32, chapter 2-B receiving full or partial financial support from
26 or officially recognized by the State, a municipality or county
27 or an entity created under Title 30-A, chapter 115 or 119 except
28 when the emergency medical service is acting outside the scope of
29 activities expressly authorized by the State, a municipality or
30 county or entity created under Title 30-A, chapter 115 or 119.

31
32 3. Firefighter. "Firefighter" means an active municipal
33 firefighter or an active volunteer firefighter, as defined in
34 Title 30-A, section 3151.

35 §1622. Death benefit

36
37 1. Amount; recipients. In a case in which the State Fire
38 Marshal determines under rules adopted pursuant to this section
39 that a firefighter or emergency medical services person has died
40 while in the line of duty, the State shall pay a benefit of
41 \$50,000 as follows:

42
43 A. If there is no surviving child of the firefighter or
44 emergency medical services person, to the surviving spouse
45 of the firefighter or emergency medical services person;

46
47 B. If there is a surviving child or children and a
48 surviving spouse, 1/2 to the surviving child or children of

2 the firefighter or emergency medical services person in
3 equal shares and 1/2 to the surviving spouse;

4 C. If there is no surviving spouse, to the child or
5 children of the firefighter or emergency medical services
6 person in equal shares; or

7 D. If there is no surviving child or spouse of the
8 firefighter or emergency medical services person, to the
9 parent or parents of the firefighter or emergency medical
10 services person in equal shares.

11 **2. Interim benefit payment.** When the State Fire Marshal
12 determines upon showing of need and prior to final action that
13 the death of a firefighter or emergency medical services person
14 is one with respect to which a benefit will probably be paid, the
15 State Fire Marshal may make an interim benefit payment not
16 exceeding \$3,000 to the individual or individuals entitled to
17 receive a benefit under subsection 1 in the manner set out in
18 subsection 1.

19 **3. Deduction of interim payment.** The State Fire Marshal
20 shall deduct the amount of an interim payment made pursuant to
21 subsection 2 from the amount of any final benefit paid to the
22 individual or individuals entitled to receive a benefit under
23 subsection 1.

24 **4. Repayment of interim payment; waiver.** If a final
25 benefit is not paid, the recipient or recipients of any interim
26 payment under subsection 2 are liable for repayment of the amount
27 received. The State Fire Marshal may waive all or part of the
28 repayment if the State Fire Marshall determines that undue
29 hardship would result from that repayment.

30 **5. Execution or attachment prohibited.** A benefit paid
31 under this section is not subject to execution or attachment.

32 **6. Other benefits.** The \$50,000 benefit payable under this
33 section may not be considered a benefit paid under "similar law"
34 for purposes of Title 5, sections 18005 and 18605 and may not be
35 used to reduce any accidental death benefit amount payable under
36 those provisions or under any other provision of law.

37 **7. Rulemaking.** The State Fire Marshal shall adopt rules to
38 carry out the purposes of this section. Rules adopted pursuant
39 to this section are routine technical rules pursuant to Title 5,
40 chapter 375, subchapter II-A.

41 **Sec. 6. 30-A MRSA c. 154 is enacted to read:**

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CHAPTER 154

MAINE FIREFIGHTER TRAINING FUND

§3161. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Municipal fire department. "Municipal fire department" has the same meaning as in section 3151.

2. Qualified firefighter. "Qualified firefighter" means an active municipal firefighter or an active volunteer firefighter, as defined in section 3151.

3. Volunteer fire association. "Volunteer fire association" has the same meaning as in section 3151.

§3162. The Maine Firefighter Training Fund

1. Fund established. The Maine Firefighter Training Fund, referred to in this section as the "fund," is established to provide training funds annually to all qualified firefighters in the State.

2. Purpose. The purpose of the fund is to provide \$100 annually for each qualified firefighter statewide toward the cost of providing a minimum of 24 hours of training annually.

3. Administration. The Maine Fire Training and Education Program within the Maine Technical College System administers the fund. Within 30 days of the close of each calendar year, the chief of each municipal fire department and each volunteer fire association shall submit a roster of the names of all qualified firefighters to the Maine Fire Training and Education Program. Based upon the roster numbers, the Maine Fire Training and Education Program shall directly disburse funds for each qualified firefighter to each municipal fire department and each volunteer fire association. Funds received under this chapter must be expended only for training or training materials.

4. Authorization. In administering this fund, the Maine Fire Training and Education Program may accept public and private funds to support the fund.

5. Fund information. The Maine Fire Training and Education Program shall provide fund information to volunteer fire associations and municipal fire departments on a regular basis.

2 6. Report. The chief of each volunteer fire association
and municipal fire department that receives training funds under
4 this chapter shall report to the Maine Fire Protection Services
Commission by March 1st of each year regarding the use of
6 training funds received the previous year.

8 7. Rules. The Maine Fire Protection Services Commission,
in consultation with the Maine Fire Training and Education
10 Program, shall adopt rules to carry out the purposes of this
chapter. Rules adopted pursuant to this section are routine
12 technical rules as defined in Title 5, chapter 375, subchapter
II-A.

14 **Sec. 7. Implementation of firefighter training component of strategic**
16 plan of the Maine Fire Training and Education Program, Maine Technical
College System. The Legislature shall appropriate funds to
18 continue the implementation of the firefighter training component
of the strategic plan of the Maine Fire Training and Education
20 Program within the Maine Technical College System, which includes
the following:

22 1. Increasing from 125 to 250 free firefighter training
courses taught in communities statewide;

24 2. Providing firefighters with the opportunity to
26 participate in fire science and leadership education; and

28 3. Providing current training and education materials for
volunteer fire associations, municipal fire departments and
30 citizens.

32 **Sec. 8. Appropriation.** The following funds are appropriated
from the General Fund to carry out the purposes of this Act.

34 **2000-01**

36 **LEGISLATURE**

38 **Legislature**

| | |
|----------------------|---------|
| 40 Personal Services | \$1,100 |
| 42 All Other | 1,000 |

44 Provides funds for the per diem and expenses
of legislative members of the Maine Fire
46 Protection Services Commission.

48 **LEGISLATURE**
TOTAL

\$2,100

| | | |
|----|--|----------------|
| 2 | MAINE FIRE PROTECTION SERVICE | |
| | COMMISSION | |
| 4 | | |
| | Maine Fire Protection Services | |
| 6 | Commission | |
| 8 | | |
| | Personal Services | \$2,640 |
| 10 | All Other | 17,360 |
| 12 | TOTAL | <hr/> \$20,000 |
| 14 | Provides initial operating funds for the | |
| | Maine Fire Protection Services Commission. | |
| 16 | | |
| | Maine Fire Protection Services | |
| 18 | Commission | |
| 20 | All Other | \$30,000 |
| 22 | Provides one-time funds to contract for | |
| | actuarial and other planning services to | |
| 24 | create plans for a health insurance bridge | |
| | for retired career firefighters and for a | |
| 26 | length-of-service incentive program for | |
| | volunteer firefighters. | |
| 28 | | |
| | MAINE FIRE PROTECTION SERVICES | |
| 30 | COMMISSION | |
| | TOTAL | <hr/> \$50,000 |
| 32 | | |
| | MAINE TECHNICAL COLLEGE SYSTEM - | |
| 34 | BOARD OF TRUSTEES OF THE | |
| 36 | Maine Technical College System - | |
| | Board of Trustees | |
| 38 | | |
| | All Other | \$1,200,000 |
| 40 | | |
| | Appropriates initial funding for the Maine | |
| 42 | Firefighter Training Fund. Any balance | |
| | remaining at the end of each fiscal year may | |
| 44 | not lapse but must be carried forward to be | |
| | used for the same purpose. | |
| 46 | | |
| | Maine Technical College System - | |
| 48 | Board of Trustees | |
| 50 | All Other | \$96,850 |

2 Appropriates additional funds for one Grant
4 Fund Manager position and a Clerk Typist
6 position to be established by the Maine Fire
 Training and Education Program to administer
 the Maine Firefighter Training Fund.

**8 Maine Technical College System -
 Board of Trustees**

10 All Other \$324,402

12 Appropriates additional funds for 3
14 full-time and 32 part-time positions to be
16 established by the Maine Fire Training and
18 Education Program to develop and deliver
 standardized firefighter training in local
 communities throughout the State.

**20 MAINE TECHNICAL COLLEGE SYSTEM -
 BOARD OF TRUSTEES OF THE
22 TOTAL**

\$1,621,252

24 **PUBLIC SAFETY, DEPARTMENT OF**
26 **Office of Fire Marshal**

28 Positions - Legislative Count (3,500)
30 Personal Services \$131,968
 All Other 34,500

32 TOTAL \$166,468

34 Appropriates funds for 3 additional Fire
36 Inspector positions and a half-time Clerk
38 Typist II position for the purpose of
 conducting mandatory inspections of
 facilities.

**40 State Death Benefits - Firefighters and
42 Emergency Medical Services Persons**

44 All Other \$150,000

46 Appropriates initial funding to be used to
48 provide a death benefit for firefighters and
 emergency services persons who die in the
50 line of duty. Any balance remaining at the
 end of each fiscal year may not lapse but

2 must be carried forward to be used for the
same purpose.

4 **DEPARTMENT OF PUBLIC SAFETY**
5 **TOTAL** \$316,468
6
7 **TOTAL APPROPRIATIONS** \$1,989,820
8

10 **FISCAL NOTE**

12 **2000-01**

14 **APPROPRIATIONS/ALLOCATIONS**

16 General Fund \$1,989,820

18
19 This bill includes a General Fund appropriation of \$20,000
20 in fiscal year 2000-01 for the newly established Maine Fire
21 Protection Services Commission to provide the commission with
22 initial operating funds. This bill also includes a General Fund
23 appropriation of \$30,000 in fiscal year 2000-01 for the
24 commission to contract for certain actuarial and other planning
25 services.

26
27 This bill includes a General Fund appropriation of \$166,468
28 in fiscal year 2000-01 for the Office of the Fire Marshal within
29 the Department of Public Safety to provide funds for 3 additional
30 Fire Inspector positions and a half-time Clerk Typist II position
31 for the purposes of conducting mandatory inspections of
32 facilities that provide services to children.

33
34 This bill also includes a General Fund appropriation of
35 \$150,000 in fiscal year 2000-01 for the Department of Public
36 Safety to provide initial funding for a death benefit for
37 firefighters and emergency medical services persons who die in
38 the line of duty.

39
40 This bill includes a General Fund appropriation of
41 \$1,200,000 in fiscal year 2000-01 for the Maine Technical College
42 System to provide initial funding for the Maine Firefighter
43 Training Fund.

44
45 This bill also includes a General Fund appropriation of
46 \$96,850 in fiscal year 2000-01 for the Maine Technical College
47 System to provide funds for one Grant Fund Manager position and a
48 Clerk Typist position to be established by the Maine Fire
49 Training and Education Program to administer the Maine
50 Firefighter Training Fund.

2 This bill also includes a General Fund appropriation of
3 \$324,402 in fiscal year 2000-01 for the Maine Technical College
4 System to provide funds for 3 full time and 32 part time
5 positions to be established by the Maine Fire Training and
6 Education Program to develop and deliver standardized firefighter
7 training in local communities throughout the state.

8
9 The Department of Public Safety will incur some minor
10 additional costs to adopt certain rules pertaining to the
11 establishment of death benefits for certain firefighters and
12 emergency medical services persons. These costs can be absorbed
13 within the department's existing budgeted resources.

14
15 This bill also includes a General Fund appropriation of
16 \$2,100 in fiscal year 2000-01 for the Legislature for the per
17 diem and expenses of legislative members of the Maine Fire
18 Protection Services Commission. The estimated future costs
19 beginning in fiscal year 2001-02 will be approximately \$2,200.

20
21 The additional costs associated with providing staffing
22 assistance to the commission, if requested to do so during the
23 interim between legislative sessions, can be absorbed by the
24 Legislature utilizing existing budgeted resources. If the
25 commission requires staffing assistance during the legislative
26 session, the Legislature may require an additional General Fund
27 appropriation to contract for staff services.

28
29 The Department of Public Safety, the Department of
30 Conservation, the Department of Labor and the Maine Technical
31 College System will incur some minor additional costs to serve on
32 the Maine Fire Protection Services Commission. These costs can
33 be absorbed within the departments' existing budgeted resources.

36 SUMMARY

37 Pursuant to Resolve 1999, chapter 65, the Criminal justice
38 Committee submits this bill to implement the recommendations of
39 the Commission to Study the Enhancement of Fire Protection
40 Services Throughout the State. This bill does the following.

41
42 1. It establishes the Maine Fire Protection Services
43 Commission, whose duties include assessing the fire protection
44 service system and firefighter training needs in the State and
45 reporting and recommending potential changes to the Legislature
46 and the executive. The bill also proposes to appropriate
47 one-time funds to the commission to allow for the investigation
48 of options to provide a health insurance bridge for retired

2 career firefighters and a length-of-service incentive program for
volunteer firefighters.

4 2. It establishes the Maine Firefighters Training Fund,
which annually provides \$100 per qualified firefighter for
6 training. The Maine Firefighters Training Fund is administered
by the Maine Fire Training and Education Program under rules
8 adopted by the Maine Fire Protection Services Commission.

10 3. It establishes a \$50,000 death benefit for firefighters
and emergency medical services persons who die in the line of
12 duty. The benefit is administered by the State Fire Marshal.

14 4. It appropriates funds to implement the firefighter
training component of the Maine Fire Training and Education
16 Program.

18 5. It appropriates funds to create 3.5 new positions in the
Office of the State Fire Marshal for the purpose of completing
20 inspections.