

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

SECOND REGULAR SESSION-2014

Legislative Document

No. 1622

H.P. 1194

House of Representatives, December 30, 2013

An Act To Amend the Laws Governing Firefighter Absence from Work for Emergency Response

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 23, 2013. Referred to the Committee on Labor, Commerce, Research and Economic Development pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative PARRY of Arundel.
Cosponsored by Senator TUTTLE of York and
Representatives: FREDETTE of Newport, HOBBS of Saco.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** the Maine Revised Statutes, Title 26, section 809 pertains to absence for
4 emergency response by members of a volunteer fire department; and

5 **Whereas,** many volunteer fire departments are becoming municipal fire
6 departments; and

7 **Whereas,** because current law does not apply to municipal fire departments, the
8 members of municipal fire departments are not protected from being discharged or having
9 disciplinary action taken against them by their employers for responding to emergencies;
10 and

11 **Whereas,** it is imperative that this legislation take effect immediately so that
12 members of municipal fire departments will have the same protection as members of
13 volunteer fire departments; and

14 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
15 the meaning of the Constitution of Maine and require the following legislation as
16 immediately necessary for the preservation of the public peace, health and safety; now,
17 therefore,

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

19 **Sec. 1. 26 MRSA §809, sub-§1, ¶A-1** is enacted to read:

20 A-1. "Firefighter" has the same meaning as "municipal firefighter" and "volunteer
21 firefighter" in Title 30-A, section 3151, subsections 2 and 4.

22 **Sec. 2. 26 MRSA §809, sub-§1, ¶C,** as enacted by PL 2005, c. 296, §1, is
23 repealed.

24 **Sec. 3. 26 MRSA §809, sub-§2,** as enacted by PL 2005, c. 296, §1, is amended to
25 read:

26 **2. Prohibition against discharge or disciplinary action.** An employer may not
27 discharge or take any other disciplinary action against an employee because of the
28 employee's failure to report for work at the beginning of the employee's regular working
29 hours if the employee failed to do so because the employee was responding to an
30 emergency in the employee's capacity as a ~~volunteer~~ firefighter and the employee
31 reported for work as soon as reasonably possible after being released from the
32 emergency. An employer may charge the lost time against the employee's regular pay or
33 against the employee's available leave time. This subsection does not apply to the
34 absence of a ~~volunteer~~ firefighter from the ~~volunteer~~ firefighter's regular employment as a
35 law enforcement officer, a utility worker or medical personnel when the services of that
36 person are essential to protect public health or safety or if the employee has been
37 designated as essential by the employer pursuant to subsection 6.

1 that capacity. The law does not pertain to a person who belongs to a municipal fire
2 department. This bill changes the law to also protect members of municipal fire
3 departments.