

# MAINE STATE LEGISLATURE

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LAWS  
OF THE  
STATE OF MAINE  
AS PASSED BY THE  
One Hundred and Sixth Legislature  
1ST SPECIAL SESSION  
JANUARY 2, 1974 TO MARCH 29, 1974  
AND BY THE  
One Hundred and Seventh Legislature  
REGULAR SESSION  
JANUARY 1, 1975 TO JULY 2, 1975

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN  
ACCORDANCE WITH THE REVISED STATUTES OF 1964, TITLE 3,  
SECTION 164, SUBSECTION 6.

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THE KNOWLTON AND MCLEARY COMPANY  
FARMINGTON, MAINE  
1975

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PUBLIC LAWS  
OF THE  
STATE OF MAINE

AS PASSED BY THE  
One Hundred and Sixth Legislature

AT THE  
SPECIAL SESSION

January 2, 1974

to

March 29, 1974

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**CHAPTER 679****AN ACT to Make the Term of Office of the State Planning Director  
Coterminous with that of the Governor.**

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

R. S., T. 5, § 3304, sub-§ 1, amended. Subsection 1 of section 3304 of Title 5 of the Revised Statutes, as enacted by section 1 of chapter 533 of the public laws of 1967, is amended to read as follows:

1. **Director.** The executive head of the State Planning Office shall be the director and shall be appointed by the Governor ~~with the approval of the Executive Council and shall hold office for a term of 5 years to serve a term coterminous with the Governor, subject to removal for cause.~~ The director shall be paid a salary fixed by the Governor and Council.

Effective June 28, 1974

**CHAPTER 680****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 R. S., T. 25, c. 311, repealed. Chapter 311 of Title 25 of the Revised Statutes, as amended, is repealed.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. 25, § 2501, amended. The first paragraph of section 2501 of Title 25 of the Revised Statutes, as amended, is repealed and the following enacted in place thereof:

The Director of the Bureau of Forestry shall appoint a forest fire warden in each organized municipality within the State outside the limits of the Maine Forestry District for the prevention, control and extinguishment of forest fires. The municipal fire chief shall be appointed as forest fire warden if practicable and no other person shall be appointed without the approval of the municipal officers. All appointed forest fire wardens shall serve at the pleasure of the Director of the Bureau of Forestry and shall be sworn to the faithful discharge of their duties and a certificate thereof shall be returned to the office of the Director of the Bureau of Forestry. Whoever has been notified of this appointment shall file with the Director of the Bureau of Forestry his acceptance or rejection within 10 days. The appointed forest fire warden may appoint one or more deputy forest fire wardens subject to approval of the municipal officers and may delegate to one of them authority to issue burning permits under section 1551 of Title 12.

Sec. 3. 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 fire department or incorporated volunteer fire association.

**Sec. 4.** R. S., T. 30, § 2152, sub-§ 3, repealed. Subsection 3 of section 2152 of Title 30 of the Revised Statutes, is repealed.

**Sec. 5.** 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 services.

#### § 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 municipal and volunteer firefighters in the performance of firefighting operations within the municipality except as provided in Titles 12 and 25.

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 hired after the effective date of this Act shall serve as a full-time member of a municipal fire department unless he has undergone a complete preemployment medical examination; nor shall he serve as a full-time member of a municipal fire department, if in the opinion of competent medical authority after examination, he is not 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 determined under existing tort law 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.

Effective June 28, 1974

## CHAPTER 681

### AN ACT to Clarify Certain Municipal Laws.

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

Whereas, the municipal laws contain certain weaknesses; and

Whereas, the following legislation is intended to remedy these weaknesses; and

Whereas, it is necessary to correct these weaknesses immediately; and

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