

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

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1987

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

1987-88 1988-89

INLAND FISHERIES AND WILDLIFE,
DEPARTMENT OF

Enforcement Operations

All Other \$2,000 \$2,000

This allocation provides funds for antici-
pated educational materials and general
supplies to carry out the purposes of this
Act.

Effective September 29, 1987.

CHAPTER 355

H.P. 1044 — L.D. 1407

**AN ACT to Make the Director of Safety a
Major Policy-influencing Position.**

Emergency preamble. Whereas, Acts of the Legis-
lature do not become effective until 90 days after adjourn-
ment unless enacted as emergencies; and

Whereas, the Director of the Bureau of Safety retired
from that position on February 27, 1987; and

Whereas, the acting Director of the Bureau of Safety
will be vacating that position on or before June 30, 1987;
and

Whereas, it is important to the operation of the Bureau
of Safety, in its continuous effort to provide highway safe-
ty services to the State, that the new director be in place
as soon as possible; and

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

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

5 MRSA §948, as enacted by PL 1983, c. 729, §4, is
amended to read:

§948. Department of Public Safety

1. Major policy-influencing positions. The following
positions are major policy-influencing positions within the
Department of Public Safety. Notwithstanding any other
provision of law, these positions and their successor po-
sitions shall be subject to this chapter:

- A. Chief, Bureau of State Police;
- B. Director, Bureau of Liquor Enforcement;

- C. Director, Office of State Fire Marshal;
- D. Director, Maine Criminal Justice Academy;
- E. Assistant to the Commissioner for Public Infor-
mation;
- F. Assistant to the Commissioner; ~~and~~
- G. Two Deputy Chiefs, Bureau of State Police; ; and
- H. Director, Bureau of Safety.

Emergency clause. In view of the emergency cited
in the preamble, this Act shall take effect when approved.

Effective June 19, 1987.

CHAPTER 356

H.P. 1234 — L.D. 1686

**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 indicates
otherwise, the following terms have the following
meanings.

1. Fire department. "Fire department" means a
municipal fire department, as defined in Title 30, section
3771, subsection 1, or a voluntary association, as defined
in Title 30, section 3771, subsection 3.

2. Firefighter. "Firefighter" means a municipal fire-
fighter, as defined in Title 30, section 3771, subsection
2, or a volunteer firefighter, as defined in Title 30, sec-
tion 3771, subsection 4.

§2102. Firefighter training

1. Training requirements. Each fire department shall
provide a training program which meets the fire depart-
ment's needs and includes the following:

- A. Training in accordance with Title 30, section 3774;
- B. Training in the use of protective equipment re-
quired by this chapter;

C. Training by the fire chief or his designee in accordance with National Fire Protection Association standards;

D. Training to prevent occupational accidents, deaths, injuries and illnesses;

E. Training for all firefighters commensurate with the duties that they are expected to perform;

F. Training to ensure that the firefighters are able to perform their assigned duties in a manner safe to themselves and others;

G. Basic training covering all areas specified by this chapter provided to firefighters before performing interior structural fire fighting;

H. Training in the safe handling and use of hazardous substances for firefighters required to handle the substances. Training must include the potential hazards involved and the required personal hygiene and protective measures; and

I. Training in the care, use, inspection, maintenance and limitations of the protective equipment assigned to fire department firefighters or available for their use.

2. Records. Each fire department shall maintain complete records of individual training for firefighters.

§2103. Standards for equipment and clothing

Any reference in this section to a standard is to the most recent standard in effect.

1. Protective equipment. Except as provided in subsection 2, the fire department shall provide each firefighter with the appropriate equipment to protect the firefighter from the hazards of the work environment to which the firefighter is likely to be exposed. The firefighter shall use the protective equipment whenever exposed to the hazards for which that equipment is provided. Protective equipment must consist of:

A. Protective clothing;

B. Head protection;

C. Foot protection;

D. Hand protection;

E. Eye and face protection;

F. Hearing protection;

G. Self-contained breathing apparatus;

H. Personal alert safety system; and

1. Fire service life safety rope, harness and hardware.

2. Protective equipment; volunteer fire association. A volunteer fire association shall provide protective equipment for at least 2 firefighters. A firefighter shall use protective equipment whenever exposed to the hazards for which that equipment is provided.

3. Protective clothing. Protective clothing consists of a coat and trousers or a coverall designed to provide body protection from moisture, flames, radiant heat, contact with caustic or toxic materials and other harmful exposures to a firefighter. Purchases of new protective clothing by a fire department must meet or exceed the National Fire Protection Association standards.

4. Head protection. A firefighter's helmet must be a light-colored, nonconductive material. Dark-colored, nonconductive helmets may be used if reflective tape is applied to the exterior sides of the helmet. Purchases of new helmets by a fire department must meet or exceed 29 Code of Federal Regulations, Part 1910, General Industry Standards of the Occupational Safety and Health Administration, subpart L.

5. Foot protection. All firefighters' boots must have a puncture resistant, slip resistant sole. Purchases of new boots by fire departments must meet or exceed the American National Standards Institute Z89.1 and 29 Code of Federal Regulations, Part 1910, General Industry Standards of the Occupational Safety and Health Administration.

6. Hand protection. Hand protection consists of heat insulating gloves or mittens which are not readily flammable. Purchases of new hand protection by a fire department must meet or exceed 29 Code of Federal Regulations, Part 1910, General Industry Standards of the Occupational Safety and Health Administration and National Fire Protection Association standards.

7. Self-contained breathing apparatus. Purchases of new respiratory apparatus by a department must be classified as pressure demand, self-contained and have a minimum of 1/2 hour normal service life plus an additional 1/2 hour capacity in a spare cylinder. The entire unit must meet the Maine Safety Health Administration, the National Institute for Occupational Safety and Health and the National Fire Protection Association standards.

Self-contained breathing apparatus must contain a minimum air supply of 80% of the rated capacity of the cylinder to be considered in-service.

Purchases of new harnesses for respiratory apparatus by a fire department must be constructed of fabric that provides thermal protection consistent with the minimum requirements for protective clothing. Harnesses must be certified by the National Institute for Occupational Safety and Health.

8. Personal alert safety system. Purchases of new

personal alert safety system, PASS, by a fire department must meet or exceed the National Fire Protection Association standards.

9. Fire service life safety rope, harness and hardware. Purchases of new fire service life safety rope, harness and hardware by a fire department must meet National Fire Protection Association standards.

§2104. Required provision and use of protective equipment

1. Eye and face protection. Each fire department shall provide and each firefighter shall use eye and face protection when the firefighter is engaged in fire suppression and other operations involving hazards to the eyes and face at all times when the face is not protected by the full facepiece of self-contained breathing apparatus.

2. Hearing protection. Each fire department shall provide and each firefighter shall use hearing protection when the firefighter is operating or riding on fire apparatus and is subject to noise in excess of 90 decibels. Hearing protection must be provided and used when the firefighter is exposed to noise in excess of 90 decibels from power tools or equipment, except in situations when the use of the protective equipment would create an additional hazard to the user.

3. Self-contained breathing apparatus. Each fire department shall provide and each firefighter shall use self-contained breathing apparatus when the firefighter enters structural fires or when proximity hazards require that protection. Each fire department shall establish a program of maintenance and repair to ensure that self-contained breathing apparatus retains its original effectiveness as recommended by the manufacturer.

4. Personal alert safety system. Each fire department shall provide a personal alert safety system or PASS, with every self-contained breathing apparatus.

§2105. Inspection procedure

The Bureau of Labor Standards shall adopt an inspection procedure for self-contained breathing apparatus. The procedure must include at least the following, as specified in the American National Standards Institute Z88.5:

1. All components, air supply and warning devices. A complete inspection of all components, air supply and warning devices to be performed after each use and:

A. For volunteer associations and on-call fire departments, every month; and

B. For full-time fire departments, every week;

2. Facepiece. Cleansing and sanitizing the facepiece after each use; and

3. Record. A record of the date of each inspection and findings for each self-contained breathing apparatus.

§2106. Inspection by and assistance of Bureau of Labor Standards

The Bureau of Labor Standards shall inspect each fire department at least once every 2 years to determine compliance with this chapter. The bureau shall assist fire departments in complying with this chapter.

§2106. Rules

The Bureau of Labor Standards shall adopt rules to carry out and enforce this chapter.

§2107. Inconsistent rules

Any rules or portions of rules adopted by the Department of Labor that are inconsistent with this chapter are void and unenforceable.

Effective September 29, 1987.

CHAPTER 357

H.P. 1263 — L.D. 1727

AN ACT Relating to Construction Standards for Access for Handicapped Persons to Public Facilities.

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

Sec. 1. 25 MRSA §2701, sub-§5, as enacted by PL 1977, c. 80, §2, is repealed and the following enacted in its place:

5. Standards of construction. "Standards of construction" means the most recent standards set forth by the American National Standards Institute in the publication "Specifications for Making Buildings and Facilities Accessible to and Usable by the Physically Handicapped," except as otherwise exempted or provided by the National Fire Protection Association's Life Safety Code 101 or as amended by rule of the Director of Public Improvements.

Sec. 2. 25 MRSA §2701, sub-§6, as enacted by PL 1981, c. 334, §4, is repealed.

Sec. 3. 25 MRSA §2702-A, sub-§1, as amended by PL 1981, c. 698, §113, is repealed and the following enacted in its place:

1. Amendments to standards. Prior and subsequent to adopting any amendments to the standards, the director shall consult with physically handicapped people and their representatives and with persons regulated by this law and their representatives, to obtain their advice on the advisability, form and effect of any amendments to