

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST SPECIAL SESSION
August 21, 2003 to August 22, 2003

The General Effective Date For
First Special Session
Non-Emergency Laws Is
November 22, 2003

SECOND REGULAR SESSION
January 7, 2004 to January 30, 2004

The General Effective Date For
Second Regular Session
Non-Emergency Laws Is
April 30, 2004

SECOND SPECIAL SESSION
February 3, 2004 to April 30, 2004

The General Effective Date For
Second Special Session
Non-Emergency Laws Is
July 30, 2004

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2004

Sec. 1. 30-A MRSA §2528, sub-§3, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6, c. 9, §2 and c. 104, Pt. C, §§8 and 10, is further amended to read:

3. Voting place specified; polls. The warrant for a town meeting for the election of officials ~~shall~~ must specify the voting place, which must be in the same building or a building nearby where the meeting is to be held. The warrant for a town meeting for the election of officials that occurs at the same time as voting in federal, state or county elections, but not at the same time as a town meeting held for other purposes, may specify the same voting places as those used by the town for federal, state or county elections. ~~It shall~~ The warrant must specify the time of opening and closing the polls, which must be kept open at least 4 consecutive hours.

A. In the warrant for a town meeting under this section, the municipal officers may designate the date of the election and designate another date within 14 days of the date set for elections as the time for considering the other articles of business in the warrant.

Sec. 2. 30-A MRSA §2528, sub-§5, ¶C is enacted to read:

C. If the warrant for a town meeting contains only articles for the election of the moderator and one or more referendum questions to be voted on by secret ballot, the municipal officers may specify the same voting places as those used by the town for federal, state or county elections.

See title page for effective date.

CHAPTER 570

H.P. 1311 - L.D. 1789

An Act To Revise the Minimum Firefighter Safety Standards

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. 26 MRSA §2101, sub-§§3 and 4 are enacted to read:

3. Education. "Education" means the process of imparting knowledge or skill through systematic instruction, but not necessarily formal classroom instruction.

4. Training. "Training" means the process of making a firefighter proficient through instruction and hands-on practice in the operation of equipment, including respiratory protection equipment, that is expected to be used in the performance of the firefighter's assigned duties.

Sec. 2. 26 MRSA §2102, as corrected by RR 1997, c. 1, §25, is amended to read:

§2102. Firefighter training and education

1. Training and education requirements. Each fire department shall provide a training and education program ~~which~~ that meets the fire department's needs and includes the following:

A. Training and education in accordance with Title 30-A, section 3154, subsection 2;

B. Training and education in the use of protective equipment required by this chapter;

C. Training and education by the fire chief or ~~his~~ the fire chief's designee in accordance with National Fire Protection Association standards;

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

E. Training and education for all firefighters commensurate with the duties that they are expected to perform prior to performing those duties;

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

I. Training and education 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 and education for firefighters.

Sec. 3. 26 MRSA §2103, as amended by PL 1987, c. 552, §§1 to 3 and c. 769, Pt. B, §7, is further amended to read:

§2103. Standards for equipment and clothing

Any Unless otherwise specified, 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~~ 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. If a fire department purchases new protective equipment, that equipment must meet the standard in effect at the time of the purchase. If a fire department acquires protective clothing that is not new, that protective clothing must, at a minimum, meet the standards that were in effect in 1987. Any protective clothing that was purchased or acquired prior to 1987 that does not meet National Fire Protection Association standards must be replaced. Protective equipment must consist of:

- A. Protective clothing;
- ~~B. Head protection;~~
- B-1. Helmet ensemble, including eye and face protection;
- C. Foot protection;
- D. Hand protection;
- ~~E. Eye and face protection;~~
- F. Hearing protection; and
- G. Self-contained breathing apparatus.

~~**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.~~

4-A. Helmet ensemble. Purchases of new helmet ensembles by a fire department must meet or exceed National Fire Protection Association standards.

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 standard Z41.1 and 29 Code of Federal Regulations, Part 1910, General Industry Standards of the Occupational Safety and Health Administration and National Fire Protection Association standards.

6. Hand protection. Hand protection consists of heat insulating gloves or mittens ~~which that~~ 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~~ meet National Fire Protection Association standards 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 Mine 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%~~ 90% 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. Each firefighter wearing a self-contained breathing apparatus must be provided with and shall use a personal alert safety system device in a hazardous area. The device must meet National Fire Protection Association

standards. Purchases of new personal alert safety ~~system~~ systems, 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.

10. 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. Hearing protection must conform to Occupational Safety and Health Administration standards, 29 Code of Federal Regulations, Section 1910.95.

Sec. 4. 26 MRSA §2104, sub-§1, as enacted by PL 1987, c. 356, is amended to read:

1. Eye, face protection. Each fire department shall provide and each firefighter shall use eye ~~and~~ or face protection, or both, 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.

Sec. 5. 26 MRSA §2104, sub-§2, as enacted by PL 1987, c. 356, is repealed.

Sec. 6. 26 MRSA §2105, sub-§1, as enacted by PL 1987, c. 356, is amended to read:

1. All components, air supply devices, personal alert safety system devices and warning devices. A complete inspection of all components, air supply devices, personal alert safety system devices 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;

Sec. 7. Effective date. This Act takes effect July 1, 2005.

Effective July 1, 2005.

CHAPTER 571

S.P. 605 - L.D. 1654

An Act To Amend Transportation Laws

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

Sec. 1. 23 MRSA §704, sub-§3, as enacted by PL 1999, c. 676, §1 and affected by §2, is amended to read:

3. Arterial highways. For arterial highways that lie outside the compact area of an urban compact municipality, the Department of Transportation shall limit the number, spacing, design, location and construction of driveways, entrances or approaches to ~~maintain~~ promote the maintenance of existing posted speeds and ensure safe travel.

Sec. 2. 23 MRSA §704, sub-§6, as amended by PL 2001, c. 301, §1, is further amended to read:

6. Access denied. The Department of Transportation and the municipalities shall deny ingress to and egress from property abutting the highway when access rights have been acquired by the department, except that the Commissioner of Transportation may allow access for the development of state and state aid highways and may approve a relocation of an existing break in a control of access consistent with the rules adopted pursuant to subsection 2.

See title page for effective date.

CHAPTER 572

S.P. 608 - L.D. 1676

An Act To Allow Communications Towers on Land of the Maine Turnpike Authority

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

Sec. 1. 23 MRSA §1965, sub-§1, ¶D-1, as enacted by PL 2001, c. 41, §1, is amended to read:

D-1. Construct, acquire, install, maintain and reconstruct communications facilities and equipment within the boundaries of the turnpike for the use of the authority, the use of others or both on such terms and conditions as the authority may determine, ~~provided that any communications tower constructed, acquired, installed, maintained or reconstructed by the authority~~