

TOWN OF GOULDSBORO, MAINE
FIRE DEPARTMENT ORDINANCE
Adopted: March 2, 1982

Revisions:
6/14/2011-Article 35
6/14/2011-Article 36

Article 36

VOLUNTEER FIRE DEPARTMENT ORDINANCE
Town of Gouldsboro

Amendments Appear in (Bold)
Amendments Appear in Bold Italic and Underlined and Shaded

1. **Establishment:** Pursuant to 30(A), Chapter 153 the Town of Gouldsboro hereby establishes the Gouldsboro Volunteer Fire Department.
2. **Purpose:** The Volunteer Fire Department shall provide fire protection and emergency medical services for the inhabitants of Gouldsboro.
3. **Organization:** The Volunteer Fire Department shall be organized and shall function under its own set of by-laws that are not in conflict with state law of this ordinance.
4. **Fire Chief:**
 - a. **Appointment, term and compensation:** The Fire Chief, Deputy Fire Chief and Deputy Medical Chief shall be appointed by the Board of Selectmen for one year. The compensation for the Fire Chief, Deputy Fire Chief and Deputy Medical Chief shall be determined annually at town meeting.
 - b. **Powers and Duties:** The Fire Chief shall have the powers and duties as stated in 30 M.R.S.A., Chapter 28, Section 3773.
5. **Firefighters and Emergency Medical:** Volunteer firefighters and EMS are active members of the Volunteer Fire Department and receives ~~delete: no compensation from the Town other than - add:~~ receives compensation as approved by policy of the Board of Selectmen and includes injury and death benefits. Volunteer duties are 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.
6. **Liability:**
 - a. **Municipal:** The Town is liable for vehicular accidents and demolished buildings as stated in 30 M.R.S.A., Chapter 28, Section 3775.
 - b. **Volunteer Fire Department, Firefighters and Emergency Medical Volunteers:** All volunteer firefighters (and emergency medical volunteers), under the direction and control of the Fire Chief and while actually engaged in firefighting (or medical) operations, shall be considered agents of the town and shall have the same privileges and immunities as the town employees performing a governmental function.
7. **Fire Aid to Other Towns:** The Town of Gouldsboro shall maintain an active mutual fire fighting and EMS assistance agreement with Hancock County, and Steuben.

Yvonne P. Wilkinson
Attested
Yvonne P. Wilkinson
Clerk of Gouldsboro

June 14, 2011
Date

Article 35

VOLUNTEER FIRE DEPARTMENT ORDINANCE
Town of Gouldsboro
Amendments Appear in (Bold)

1. **Establishment:** ~~Persuant~~ (**Pursuant**) to 30(A) ~~M.R.S.A. Section 1917~~ (**Chapter 153**) the Town of Gouldsboro hereby establishes the Gouldsboro Volunteer Fire Department.
2. **Purpose:** The Volunteer Fire Department shall provide fire protection (**and emergency medical services**) for the inhabitants of Gouldsboro.
3. **Organization:** The Volunteer Fire Department shall be organized and shall function under its own set of by-laws that are not in conflict with state law of this ordinance.
4. **Fire Chief:**
 - a. **Appointment, term and compensation:** The Fire Chief, ~~and Deputy Fire Chief~~ (**and Deputy Medical Chief**) shall be appointed by the Board of Selectmen for one year. The compensation for the Fire Chief, ~~and Deputy Fire Chief~~ (**and Deputy Medical Chief**) shall be determined annually at town meeting.
 - b. **Powers and Duties:** The Fire Chief shall have the powers and duties as stated in 30 M.R.S.A., Chapter 28, Section 3773.
5. **Firefighters and Emergency Medical:** A Volunteer ~~firefighters and EMS are~~ **is an** active members of the Volunteer Fire Department and receives no compensation from the Town other than injury and death benefits. ~~A firefighter's~~ **Volunteer duties are** ~~duty is~~ to extinguish all fires to which ~~he is~~ **they are** called, protect lives and property endangered by fires and carry out all other related activities as directed by the Fire Chief.
6. **Liability:**
 - a. **Municipal:** The Town is liable for vehicular accidents and demolished buildings as stated in 30 M.R.S.A., Chapter 28, Section 3775.
 - b. **Volunteer Fire Department and Firefighters (and Emergency Medical Volunteers):** All volunteer firefighters (**and emergency medical volunteers**), under the direction and control of the Fire Chief and while actually engaged in firefighting (**or medical**) operations, shall be considered agents of the town and shall have the same privileges and immunities as the town employees performing a governmental function.
7. **Fire Aid to Other Towns:** The Town of Gouldsboro shall maintain an active mutual fire fighting **and EMS** assistance agreement with Hancock County, ~~the Naval Security Group Activity~~ and Steuben.

Yvonne P. Wilkinson
Attested
Yvonne P. Wilkinson
Clerk of Gouldsboro

June 14, 2011
Date

Title 30-A: MUNICIPALITIES AND COUNTIES HEADING: PL 1987, C. 737, PT. A, §2 (NEW)

Part 2: MUNICIPALITIES HEADING: PL 1987, C. 737, PT. A, §2 (NEW)

Subpart 5: HEALTH, WELFARE AND IMPROVEMENTS HEADING: PL 1987, C. 737, PT. A, §2 (NEW)

Chapter 153: MUNICIPAL FIRE PROTECTION HEADING: PL 1987, C. 737, PT. A, §2 (NEW)

§3151. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

1. Municipal fire department. "Municipal fire department" means an organized firefighting unit established under municipal charter, ordinance or bylaw to prevent and extinguish fires and, if authorized by charter, ordinance or bylaw, to provide emergency services.

[1999, c. 570, §1 (AMD) .]

1-A. Provide emergency services. "Provide emergency services" means to respond to and manage other public safety emergencies, including, but not limited to, medical emergencies, hazardous materials incidents or natural or man-made disasters.

[1999, c. 570, §2 (NEW) .]

2. Municipal firefighter. "Municipal firefighter" means 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.

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

3. Volunteer fire association. "Volunteer fire association" means an organized firefighting unit incorporated under Title 13, chapter 81, or Title 13-B, and which is officially recognized by the municipality.

A. Any volunteer fire association incorporated under either Title 13, chapter 81, or Title 13-B, on or after January 1, 1978, shall be considered incorporated for the purposes of this section. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. The appropriation of money by a municipality toward the support of an organized firefighting unit incorporated under Title 13, chapter 81, or Title 13-B, is prima facie evidence of official recognition. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

4. Volunteer firefighter. "Volunteer firefighter" means an active member of a volunteer fire association who receives no compensation from the municipality other than injury and death benefits.

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

SECTION HISTORY

1987, c. 737, §§2, C106 (NEW). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD).
1989, c. 104, §§8, 10 (AMD). 1999, c. 570, §§1, 2 (AMD).

Part 2: MUNICIPALITIES HEADING: PL 1987, C. 737, PT. A, §2 (NEW)
Subpart 5: HEALTH, WELFARE AND IMPROVEMENTS HEADING: PL 1987, C. 737, PT. A, §2 (NEW)
Chapter 153: MUNICIPAL FIRE PROTECTION HEADING: PL 1987, C. 737, PT. A, §2 (NEW)

§3152. Fire protection

1. Methods of protection. A municipality may provide fire protection by:

A. Maintaining a municipal fire department; [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. Supporting a volunteer fire association; or [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

C. Contracting with other governmental units for fire protection services. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]
[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

2. Fire protection zones. A municipality may establish administrative areas of the municipality for firefighting and fire protection purposes, to be served by one fire department or volunteer fire association, which shall be called "fire protection zones." Fire protection zones must be established by the vote of the municipal legislative body or by regulations adopted by the municipal officers if the municipal legislative body so provides.

Title 30-A: MUNICIPALITIES AND COUNTIES HEADING: PL 1987, C. 737, PT. A, §2 (NEW)

Part 2: MUNICIPALITIES HEADING: PL 1987, C. 737, PT. A, §2 (NEW)
Subpart 5: HEALTH, WELFARE AND IMPROVEMENTS HEADING: PL 1987, C. 737, PT. A, §2 (NEW)

Chapter 153: MUNICIPAL FIRE PROTECTION HEADING: PL 1987, C. 737, PT. A, §2 (NEW)

§3153. Fire chiefs

Notwithstanding the method of fire protection services provided by a municipality, a fire chief shall be appointed in each municipality, unless the municipality provides by vote of its legislative body for the election of a municipal fire chief by the members of the municipal fire department or volunteer association, or provides that the voters of the

municipality will elect a municipal fire chief at the regular municipal election or town meeting. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

In municipalities served by more than one volunteer association or municipal fire department, the municipality may by vote of its legislative body provide for the election of a fire chief by the members of each fire department or association of the municipality, but no more than one fire chief may be elected within each fire protection zone. When more than one fire chief is provided for in a municipality, each fire chief shall exercise in the fire chief's fire protection zone all powers and duties of a municipal fire chief and shall control and direct all municipal and volunteer firefighters in the performance of firefighting operations within the fire chief's fire protection zone, except as provided in this chapter. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

1. Term; compensation. Unless otherwise provided by contract, charter or ordinance, fire chiefs shall be appointed for an indefinite term. The municipal officers shall determine the compensation of the fire chief.
[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

2. 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; [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]
 - B. Provide a training program for firefighters within the municipality in cooperation with appropriate governmental agencies; [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]
 - C. Provide for the maintenance of all fire equipment owned by the municipality and buildings used by the municipal fire department; [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]
 - D. Prepare and submit annually to the chief administrative official of the municipality a budget relating to fire protection activities; and [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]
 - E. Suppress disorder and tumult at the scene of a fire and generally direct all operations to prevent further destruction and damage. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]
- [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

3. Powers. The fire chief may:

- A. Unless otherwise provided by charter or ordinance, employ all municipal firefighters, appoint a deputy and other officers in a municipal fire department and remove them for cause after notice and hearing; [1987, c. 737, Pt. A, §2 (NEW);

1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. With the approval of the municipal officers, adopt administrative regulations relating to municipal fire protection, consistent with this chapter and municipal ordinances; [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

C. Obtain assistance from persons at the scene of a fire to extinguish the fire and protect persons and property from injury; and [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

D. Pull down and demolish structures and appurtenances if the fire chief judges it necessary to prevent the spread of fire. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

Title 30-A: MUNICIPALITIES AND COUNTIES HEADING: PL 1987, C. 737, PT. A, §2 (NEW)

Part 2: MUNICIPALITIES HEADING: PL 1987, C. 737, PT. A, §2 (NEW)
Subpart 5: HEALTH, WELFARE AND IMPROVEMENTS HEADING: PL 1987, C. 737, PT. A, §2 (NEW)

Chapter 153: MUNICIPAL FIRE PROTECTION HEADING: PL 1987, C. 737, PT. A, §2 (NEW)

§3154. Firefighters

1. Duties. Firefighters are under a duty to extinguish all fires to which they are called, to protect lives and property endangered by fires and to carry out all other related activities as directed by the fire chief.

A. A firefighter may use a reasonable degree of nondeadly force when the firefighter reasonably believes that this force is necessary to carry out the duties under this subsection. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]
[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

2. Training. All firefighters shall attend training sessions as scheduled by the fire chief.
[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

3. Medical examinations. No person hired after June 28, 1974 may serve as a full-time member of a municipal fire department unless the person has undergone a complete preemployment medical examination; nor may the person serve as a full-time member of a municipal fire department if, in the opinion of competent medical authority after examination, the person is not capable of performing the required duties.

Title 30-A: MUNICIPALITIES AND COUNTIES HEADING: PL 1987, C. 737, PT. A, §2 (NEW)

Part 2: MUNICIPALITIES HEADING: PL 1987, C. 737, PT. A, §2 (NEW)

Subpart 5: HEALTH, WELFARE AND IMPROVEMENTS HEADING: PL 1987, C. 737, PT. A, §2 (NEW)

Chapter 153: MUNICIPAL FIRE PROTECTION HEADING: PL 1987, C. 737, PT. A, §2 (NEW)

§3155. Municipal liability; demolished buildings

If the pulling down or demolition of any structure or appurtenance, except that in which the fire originated, is used to stop the spread of fire, the owner of that structure or appurtenance may recover reasonable compensation for its destruction from the municipality in a civil action.

Title 30-A: MUNICIPALITIES AND COUNTIES HEADING: PL 1987, C. 737, PT. A, §2 (NEW)

Part 2: MUNICIPALITIES HEADING: PL 1987, C. 737, PT. A, §2 (NEW)

Subpart 5: HEALTH, WELFARE AND IMPROVEMENTS HEADING: PL 1987, C. 737, PT. A, §2 (NEW)

Chapter 153: MUNICIPAL FIRE PROTECTION HEADING: PL 1987, C. 737, PT. A, §2 (NEW)

§3156. Aid to other municipalities

Unless otherwise provided by charter or ordinance, the municipal officers may authorize the municipal fire department or, if separate, employees who provide emergency services to aid with any public safety emergencies in other municipalities by providing as needed all the municipal fire department's available resources or, if separate, available employees who provide emergency services. Municipal and volunteer firefighters and employees who provide emergency services when assisting other municipalities have the same privileges and immunities as when acting in their own municipality. Any municipality may compensate an aiding municipality or volunteer fire association for damage to the aiding department's or association's property and to any firefighter or to the firefighter's surviving spouse or dependents because of injury or death sustained in the course of rendering aid to that municipality. [2005, c. 519, Pt. KKK, §1 (AMD).]

Title 30-A: MUNICIPALITIES AND COUNTIES HEADING: PL 1987, C. 737, PT. A, §2 (NEW)

Part 2: MUNICIPALITIES HEADING: PL 1987, C. 737, PT. A, §2 (NEW)

Subpart 5: HEALTH, WELFARE AND IMPROVEMENTS HEADING: PL 1987, C. 737, PT. A, §2 (NEW)

Chapter 153: MUNICIPAL FIRE PROTECTION HEADING: PL 1987, C. 737, PT. A, §2 (NEW)

§3157. Automotive fire apparatus

All new automotive fire apparatus purchased by municipal fire departments or volunteer fire associations with public money must be constructed and equipped in conformance with the standards set forth in the edition of National Fire Protection, Pamphlet #1901, Standards for Automotive Fire Apparatus, which is in effect on the date of the purchase agreement. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

A municipality or volunteer fire association which receives delivery of automotive fire apparatus not in conformance with these standards may, in addition to its other remedies, recover in a civil action a penalty from the seller in an amount equal to 10% of the purchase price of the apparatus.