

Title 26: LABOR AND INDUSTRY
Chapter 3: BUREAU OF LABOR

§44. Right of access

The director, and any authorized agent of the bureau, may enter any workplace as defined in [section 1](#) ([../26/title26sec1.html](#)), provided by the State or by a state agency, county, municipal corporation, school district or other public corporation or political subdivision when the same are open or in operation, for the purpose of gathering facts and statistics under [sections 42](#) ([../26/title26sec42.html](#)) to [44](#) ([../26/title26sec44.html](#)), and may examine the methods of protecting employees from danger, the safety and health of employees and sanitary conditions in and around such buildings and places, and may make a record of such inspection. Upon petition of the director, a Superior Court in the county in which any refusal to permit entry or fact gathering or inspection was alleged to have occurred may order appropriate injunctive relief against any person in charge of the workplace who refuses entry to the director or authorized agent of the bureau. [PL 2017, c. 219, §4 (AMD).]

Each employer subject to this section shall make, keep and preserve, and make available to the director or the director's authorized agent, upon request, such records regarding the employer's activities relating to occupational safety and health as the director may prescribe by rule as necessary or appropriate for the enforcement of [section 45](#) ([../26/title26sec45.html](#)) or any rule adopted pursuant to [section 565](#) ([../26/title26sec565.html](#)) or for developing information regarding the causes and prevention of occupational accidents, diseases and illnesses. Any information obtained by the director must be obtained with a minimum burden upon employers, especially those employing a small work force. [PL 2013, c. 473, §2 (AMD).]

The bureau shall also issue rules requiring that employers through posting of notices or other appropriate means keep their employees informed of their protections and obligations under this chapter and [chapter 6](#) ([../26/title26ch6sec0.html](#)), including the provisions of applicable standards. [PL 2013, c. 473, §2 (AMD).]

SECTION HISTORY

PL 1971, c. 620, §13 (AMD). PL 1975, c. 519, §4 (AMD). PL 2013, c. 473, §2 (AMD). PL 2015, c. 138, §2 (AMD). PL 2017, c. 219, §4 (AMD).

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Chapter 3: BUREAU OF LABOR

§46. Failure to cooperate or comply

A person who, being duly summoned under section 43, willfully neglects or refuses to attend, or refuses to answer any question propounded to that person concerning the subject of an examination as provided in section 43, or a person who, being furnished by the director with a written or printed list of interrogatories, neglects or refuses to answer and return the same under oath, must be punished by a fine of not less than \$25 nor more than \$100, or by imprisonment for not more than 30 days, or by both. A witness may not be compelled to go outside the county in which the witness resides to testify. [RR 2023, c. 2, Pt. E, §3 (COR).]

Any employer who willfully or repeatedly violates any requirements of [section 45 \(../26/title26sec45.html\)](#) or any standard, rule or order promulgated pursuant to [section 565 \(../26/title26sec565.html\)](#) may be assessed a civil penalty of not more than \$1,000 for each day during which such violation continues. [PL 1975, c. 519, §8 (RPR).]

Any employer who has received a citation for a serious violation of the requirements of [section 45 \(../26/title26sec45.html\)](#) or of any standard, rule or order issued pursuant to [section 565 \(../26/title26sec565.html\)](#), shall be assessed a civil penalty of up to \$1,000 for each such violation. [PL 1975, c. 519, §8 (RPR).]

Any employer who has received a citation for a violation of the requirements of [section 45 \(../26/title26sec45.html\)](#) or of any standard, rule or order issued pursuant to [section 565 \(../26/title26sec565.html\)](#), and such violation is specifically determined not to be of a serious nature, may be assessed a civil penalty of up to \$1,000 for each such violation. [PL 1975, c. 519, §8 (RPR).]

Any employer who fails to correct a violation for which a citation has been issued under [section 45 \(../26/title26sec45.html\)](#) within the period permitted for its correction, which period shall not begin to run until the date of the final order of the board in the case of any review proceeding initiated by the employer in good faith and not solely for delay or avoidance of penalties, may be assessed a civil penalty of not more than \$1,000 for each day during which such failure or violation continues. [PL 1975, c. 519, §8 (RPR).]

Any employer who willfully or repeatedly violates any standard, rule or order adopted pursuant to [section 565 \(../26/title26sec565.html\)](#), if that violation is specifically determined to be a serious violation, must, upon determination, be punished by a fine of not more than \$10,000, except that if the determination is for a violation committed after a first determination of violation by such person, punishment must be by a fine of not more than \$20,000. [PL 2017, c. 219, §5 (AMD).]

Any person who gives advance notice of any inspection to be conducted pursuant to this chapter without authority from the director shall, upon conviction, be punished by a penalty of not less than \$500 nor more than \$1,000, or by imprisonment for not more than 6 months, or by both. [PL 1975, c. 519, §8 (RPR).]

Any employer who violates any of the posting requirements, as prescribed in section 45 ([./26/title26sec45.html](https://legislature.maine.gov/statutes/26/title26sec45.html)), shall be assessed a penalty of not more than \$1,000 for each violation. [PL 1975, c. 519, §8 (RPR).]

Civil penalties owed under this chapter shall be paid to the director for deposit with the Treasurer of State, and may be recovered in a civil action in the name of the State brought in the Superior Court of the county where the violation is alleged to have occurred or where the employer has its principal office. Interest shall accrue on such penalties at the rate of 1 1/2% per month except that the interest shall be suspended during the pendency of an appeal. [PL 1975, c. 519, §8 (RPR).]

For purposes of this section, a serious violation shall be deemed to exist in a place of employment if there is a substantial probability that death or serious physical harm could result from a condition which exists or from one or more practices, means, methods, operations or processes which have been adopted or are in use in such place of employment, unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation. [PL 1975, c. 519, §8 (RPR).]

SECTION HISTORY

PL 1971, c. 620, §13 (AMD). PL 1975, c. 519, §8 (AMD). PL 1983, c. 296 (AMD). PL 2017, c. 219, §5 (AMD). RR 2023, c. 2, Pt. E, §3 (COR).

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Title 26: LABOR AND INDUSTRY
Chapter 6: OCCUPATIONAL SAFETY RULES AND REGULATIONS BOARD
Subchapter 1: GENERAL PROVISIONS

§561-A. General duties

1. Employer duties. An employer has the following duties.

A. An employer shall furnish to each employee employment and a place of employment that are free from recognized hazards that are causing or are likely to cause death or serious physical harm to the employee. [PL 2013, c. 473, §5 (NEW).]

B. An employer shall comply with occupational safety and health rules adopted under this chapter. [PL 2013, c. 473, §5 (NEW).]

[PL 2013, c. 473, §5 (NEW).]

2. Employee duties. An employee shall comply with occupational safety and health rules and all rules adopted under this chapter that are applicable to the employee's own actions and conduct.

[PL 2013, c. 473, §5 (NEW).]

SECTION HISTORY

PL 2013, c. 473, §5 (NEW).

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Title 26: LABOR AND INDUSTRY**Chapter 28: MINIMUM SAFETY STANDARDS FOR FIREFIGHTERS****§2106. Inspection by and assistance of Bureau of Labor Standards**

The Bureau of Labor Standards shall inspect fire departments to determine compliance with this chapter. The bureau shall assist fire departments in complying with this chapter. [PL 1995, c. 560, Pt. H, §11 (AMD); PL 1995, c. 560, Pt. H, §17 (AFF).]

SECTION HISTORY

PL 1987, c. 356 (NEW). PL 1987, c. 552, §6 (RPR). PL 1987, c. 769, §A110 (RPR). PL 1995, c. 560, §H11 (AMD). PL 1995, c. 560, §H17 (AFF).

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Title 26: LABOR AND INDUSTRY**Chapter 28: MINIMUM SAFETY STANDARDS FOR FIREFIGHTERS****§2102. Firefighter training and education**

1. Training and education requirements. Each fire department shall provide a training and education program 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 ([./30-A/title30-Asec3154.html](https://www.mainelegislature.org/legis/statutes/30-A/title30-Asec3154.html)); [PL 2003, c. 570, §2 (AMD); PL 2003, c. 570, §7 (AFF).]

B. Training and education in the use of protective equipment required by this chapter; [PL 2003, c. 570, §2 (AMD); PL 2003, c. 570, §7 (AFF).]

C. Training and education by the fire chief or the fire chief's designee in accordance with National Fire Protection Association standards; [PL 2003, c. 570, §2 (AMD); PL 2003, c. 570, §7 (AFF).]

D. Training and education to prevent occupational accidents, deaths, injuries and illnesses; [PL 2003, c. 570, §2 (AMD); PL 2003, c. 570, §7 (AFF).]

E. Training and education for all firefighters commensurate with the duties that they are expected to perform prior to performing those duties; [PL 2003, c. 570, §2 (AMD); PL 2003, c. 570, §7 (AFF).]

F. [PL 2003, c. 570, §2 (RP); PL 2003, c. 570, §7 (AFF).]

G. [PL 2003, c. 570, §2 (RP); PL 2003, c. 570, §7 (AFF).]

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 [PL 2003, c. 570, §2 (AMD); PL 2003, c. 570, §7 (AFF).]

I. Training and education in the care, use, inspection, maintenance and limitations of the protective equipment assigned to firefighters for their use. [PL 2003, c. 570, §2 (AMD); PL 2003, c. 570, §7 (AFF).]

[PL 2003, c. 570, §2 (AMD); PL 2003, c. 570, §7 (AFF).]

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

[PL 2003, c. 570, §2 (AMD); PL 2003, c. 570, §7 (AFF).]

SECTION HISTORY

PL 1987, c. 356 (NEW). RR 1997, c. 1, §25 (COR). PL 2003, c. 570, §2 (AMD). PL 2003, c. 570, §7 (AFF).

Title 26: LABOR AND INDUSTRY**Chapter 28: MINIMUM SAFETY STANDARDS FOR FIREFIGHTERS****§2103. Standards for equipment and clothing**

Unless otherwise specified, any reference in this section to a standard is to the most recent standard in effect.

[PL 2003, c. 570, §3 (AMD); PL 2003, c. 570, §7 (AFF).]

1. Protective equipment.

[PL 2021, c. 442, §1 (RP).]

1-A. Protective equipment. 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.

A. All protective equipment must fit properly and must meet or exceed the requirements of the United States Department of Labor, Occupational Safety and Health Administration or the National Fire Protection Association, whichever are more stringent, that are in effect at the time of purchase. Proper fit is determined by selecting the best-fitting protective equipment after reviewing design options specific to the firefighter's sex and options for sizing and tailoring the protective equipment. [PL 2021, c. 442, §2 (NEW).]

B. The firefighter shall use the protective equipment whenever exposed to the hazards for which that equipment is provided. [PL 2021, c. 442, §2 (NEW).]

C. Protective equipment, as provided in this section, must consist of protective clothing, helmet ensemble, foot, hand and hearing protection, self-contained breathing apparatus, personal alert safety systems and fire service life safety rope, harness and hardware. [PL 2021, c. 442, §2 (NEW).]

[PL 2021, c. 442, §2 (NEW).]

2. Protective equipment; volunteer fire association.

[PL 2003, c. 570, §3 (RP); PL 2003, c. 570, §7 (AFF).]

3. Protective clothing. Protective clothing consists of a coat and trousers. Purchases of new protective clothing by a fire department must meet or exceed the National Fire Protection Association standards.

[PL 2003, c. 570, §3 (AMD); PL 2003, c. 570, §7 (AFF).]

4. Head protection.

[PL 2003, c. 570, §3 (RP); PL 2003, c. 570, §7 (AFF).]

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

[PL 2003, c. 570, §3 (NEW); PL 2003, c. 570, §7 (AFF).]

5. Foot protection. 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.

[PL 2003, c. 570, §3 (AMD); PL 2003, c. 570, §7 (AFF).]

6. Hand protection. Hand protection consists of heat insulating gloves or mittens that are not readily flammable. Purchases of new hand protection by a fire department must meet or exceed National Fire Protection Association standards.

[PL 2003, c. 570, §3 (AMD); PL 2003, c. 570, §7 (AFF).]

7. Self-contained breathing apparatus. Purchases of new respiratory apparatus by a department must 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 National Institute for Occupational Safety and Health and National Fire Protection Association standards.

Self-contained breathing apparatus must contain a minimum air supply of 90% of the rated capacity of the cylinder to be considered in-service.

[PL 2003, c. 570, §3 (AMD); PL 2003, c. 570, §7 (AFF).]

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 systems, PASS, by a fire department must meet or exceed the National Fire Protection Association standards.

[PL 2003, c. 570, §3 (AMD); PL 2003, c. 570, §7 (AFF).]

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.

[PL 1987, c. 356 (NEW).]

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.

[PL 2003, c. 570, §3 (NEW); PL 2003, c. 570, §7 (AFF).]

SECTION HISTORY

PL 1987, c. 356 (NEW). PL 1987, c. 552, §§1-3 (AMD). PL 1987, c. 769, §B7 (AMD). PL 2003, c. 570, §3 (AMD). PL 2003, c. 570, §7 (AFF). PL 2021, c. 442, §§1, 2 (AMD).

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Title 26: LABOR AND INDUSTRY
Chapter 28: MINIMUM SAFETY STANDARDS FOR FIREFIGHTERS

§2104. Required provision and use of protective equipment

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

[PL 2003, c. 570, §4 (AMD); PL 2003, c. 570, §7 (AFF).]

2. Hearing protection.

[PL 2003, c. 570, §5 (RP); PL 2003, c. 570, §7 (AFF).]

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.

This subsection is effective beginning October 1, 1988.

[PL 1987, c. 552, §4 (RPR).]

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

This subsection is effective beginning October 1, 1988.

[PL 1987, c. 552, §5 (RPR).]

SECTION HISTORY

PL 1987, c. 356 (NEW). PL 1987, c. 552, §§4,5 (AMD). PL 2003, c. 570, §§4,5 (AMD). PL 2003, c. 570, §7 (AFF).

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Title 26: LABOR AND INDUSTRY**Chapter 28: MINIMUM SAFETY STANDARDS FOR FIREFIGHTERS****§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 manufacturer's operation manual: [PL 2017, c. 219, §19 (AMD).]

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 [PL 1987, c. 356 (NEW).]

B. For full-time fire departments, every week; [PL 1987, c. 356 (NEW).]

[PL 2003, c. 570, §6 (AMD); PL 2003, c. 570, §7 (AFF).]

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

[PL 1987, c. 356 (NEW).]

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

[PL 1987, c. 356 (NEW).]

SECTION HISTORY

PL 1987, c. 356 (NEW). PL 2003, c. 570, §6 (AMD). PL 2003, c. 570, §7 (AFF). PL 2017, c. 219, §19 (AMD).

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