JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF LABOR
BUREAU OF LABOR STANDARDS
WORKPLACE SAFETY AND HEALTH DIVISION
45 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0045

LAURA A. FORTMAN
COMMISSIONER

KATE BURKHART
DIRECTOR

November 10, 2026

David Kinney, Town Administrator
Town of Lincolnville
493 Hope Road
Lincolnville, ME 04849

Inspection Number: 1895025

Dear David Kinney:

Enclosed is the Remediation and Settlement Agreement between the Maine Department of Labor, Bureau of Labor Standards and the Town of Lincolnville resolving the workplace safety and health conditions identified in Inspection 1895025. Also enclosed is the final report that the Bureau of Labor Standards, Workplace Safety and Health Division has submitted to the U.S. Department of Labor Occupational Safety and Health Administration (OSHA).

The enclosed Agreement constitutes final agency action. As part of reaching this Agreement, the Town of Lincolnville and Lincolnville Fire Department expressly waived any right to appeal this action, including an 80C appeal. The Town and Fire Department have acknowledged that this Agreement is a public document and will be posted by the Agency and, possibly, OSHA.

The Agreement suffices to document your actions to abate and remediate the citations identified in this inspection. In lieu of the Abatement Certification Worksheet, please provide of copy of this Agreement to all Fire Department personnel and post a copy of this Agreement in a prominent area available to all Fire Department personnel for inspection until all commitments made under the Agreement have been fulfilled.

Sincerely,

Kate Burkhart

J. Kate Burkhart
Director, Bureau of Labor Standards

PHONE: (207) 623-7900 (VOICE) TTY USERS CALL MAINE RELAY 711 FAX: (207) 623-7937
OFFICES LOCATED AT: CENTRAL MAINE COMMERCE CENTER, 45 COMMERCE DR., AUGUSTA, ME 04330

Maine Department of Labor

Bureau of Labor Standards
Workplace Safety & Health Division

Inspection Number: 1895025
Inspection Date: 05/19/2026-08/04/2026
Issuance Date: 11/10/2026

Citation and Notification of Penalty

Company Name: Town of Lincolnville/ Lincolnville Fire Department
Inspection Site: 506 Main Street South Morrill, ME 04973

Citation 1 Item 1 Type of Violation: **Willful-Serious**

T.26Ch.6561-A: The employer did not furnish to each employee a place of employment that was free from recognized hazards, that could cause or are likely to cause death or serious physical harm to employees.

On or about May 15, 2026, and at times before, the Town of Lincolnville Fire Department (LFD) did not activate an accountability system prior to the silo explosion.

Acceptable and feasible methods to correct the conditions include but are not limited to:

The Town and LFD has undertaken the following actions to remediate and abate the hazards identified in the inspection:
1. LFD has reviewed and trained personnel on the current accountability system and is having firefighters tag in and out at every emergency scene (not just fire scenes).
2. LFD has assigned the role of Safety Officer and identified three senior personnel to be responsible for accountability on scene.
3. LFD has purchased the Passport Accountability System, an evidence-based system of tracking fire service personnel that meets NFPA standards and can be easily implemented without expensive technology.
4. LFD will review the Passport Accountability Standard Operating Procedure with all personnel in November 2026.
5. LFD expects to have the Passport Accountability System equipment and to have trained all personnel on the system by December 31, 2026.

LFD commits to further remediation, specifically that:
The Town and LFD commit to further remediation, specifically that the Fire Chief and up to four (4) officers/firefighters will attend the Fire Chiefs Workshop being coordinated by the Agency with MFSI and MFCA to be held in February 2027.

Date By Which Violation Must Be Abated:	**February 28, 2027**
Proposed Penalty:	**$10,000.00 – 100% SUSPENDED**

Remediation and Settlement Agreement between the Maine Department of Labor, Bureau of Labor Standards and the Town of Lincolnville
Inspection 1895025

This Agreement is entered into by and between the Maine Department of Labor, Bureau of Labor Standards (hereinafter "Agency"), the Town of Lincolnville (hereinafter "Town"), and the Lincolnville Fire Department (hereinafter "LFD") to resolve the workplace safety and health violations identified during Inspection 1895025 and the citation issued on October 6, 2026.

I. RECITALS

David Kinney is the Town Administrator and Representative for the Town of Lincolnville, Maine, and Don Fullington, III is the Chief of the Lincolnville Fire Department. and the Town of Lincolnville Select Board has authorized them to enter into this Settlement Agreement on behalf of the Town.

The Agency conducted Inspection 1895025 and found that LFD did not deploy an accountability system to account for all employees at a fire scene, which is a willful violation of the general duty imposed by 26 MRSA §561-A subject to a penalty not to exceed $10,000.00.

II. TERMS OF REMEDIATION AND ABATEMENT OF HAZARDS

The Town and LFD has undertaken the following actions to remediate and abate the hazards identified in the inspection:

1. LFD has reviewed and trained personnel on the current accountability system and is having firefighters tag in and out at every emergency scene (not just fire scenes).
2. LFD has assigned the role of Safety Officer and identified three senior personnel to be responsible for accountability on scene.
3. LFD has purchased the Passport Accountability System, an evidence-based system of tracking fire service personnel that meets NFPA standards and can be easily implemented without expensive technology.
4. LFD will review the Passport Accountability Standard Operating Procedure with all personnel in November 2026.
5. LFD expects to have the Passport Accountability System equipment and to have trained all personnel on the system by December 31, 2026.

The Agency commits to coordinate and support delivery of the Fire Chiefs' Workshop by the Maine Fire Service Institute (MFSI) and Maine Fire Chiefs' Association (MFCA) in February 2027 at a location in Waldo County and in a way that is as convenient and accessible to the participants as possible. The Agency also commits to deliver, at no charge to the Town or Fire Department, the Fire Service Respiratory Protection Program training, in January 2027 at a location in Waldo County and in a way that is as convenient and accessible to the participants as possible.

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The Town and LFD commit to further remediation, specifically that the Fire Chief and up to four (4) officers/firefighters will attend the Fire Chiefs Workshop being coordinated by the Agency with MFSI and MFCA to be held in February 2027.

III. SUSPENSION OF PENALTIES

The penalty associated with this investigation totals $10,000.00. In consideration for the actions taken by the Town and LFD and the commitment to provide additional training to LFD officers and staff and to prevent and mitigate future hazards, the Agency agrees to suspend the full penalty assessed of $10,000.00 so long as all commitments are performed on or before March 31, 2027.

IV. FINAL ORDER, WAIVER OF RIGHT TO APPEAL

The Town acknowledges that this Agreement constitutes final agency action and waives any right to appeal this action, including an 80C appeal. This Agreement constitutes a final money judgment pursuant to 14 M.R.S. § 3138. The Town acknowledges and understands that this Settlement Agreement is a public document and will be posted by the Agency and, possibly, the US Department of Labor Occupational Safety and Health Administration.

The Town acknowledges that, in the event that the terms of this Agreement are not met, the Agency may enforce the entire amount of penalties suspended and may pursue additional penalties under 26 M.R.S. §46 if any citation has not been corrected as provided in this Agreement. If the Agency pursues remedies for breach of this Agreement, the Town retains the right to dispute whether this Agreement has been breached but waives any right to contest the underlying violations and resulting penalties.

V. TECHNICAL ASSISTANCE

The Agency provides formal and informal technical assistance to public employers, including the free, confidential Consultation Program through SafetyWorks!. The Town and LFD are invited to contact the Agency for free, confidential technical assistance related to workplace safety and health.

DBK 11/6/26

SIGNATURES

Kate Burkhart

Date: 11.10.26

J. Kate Burkhart
Director, Bureau of Labor Standards
Maine Department of Labor

Date: 11-9-2026

Chief Don Fullington, III
Lincolnville Fire Department
Duly authorized by vote of the Select Board

Date: 11/9/26

David Kinney, Town Administrator
Town of Lincolnville
Duly authorized by vote of the Select Board