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

Sharon Hibbard, Selectperson
Town of Montville
414 Center Road
Montville, ME 04941

Inspection Number: 1895072

Dear Sharon Hibbard:

Enclosed is the Remediation and Settlement Agreement between the Maine Department of Labor, Bureau of Labor Standards and the Town of Montville resolving the workplace safety and health conditions identified in Inspection 1895072. 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 Montville and Montville Volunteer Fire and Rescue 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

Citation and Notification of Penalty

Company Name: Town of Montville/ Montville Volunteer Fire and Rescue Department
Inspection Site: 506 Main Street South Searsmont, 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 Montville Volunteer Fire and Rescue Department (MFD) did not activate an accountability system prior to the silo explosion.

Acceptable and feasible methods to correct the conditions as agreed upon include the following:

The Town and MFD have taken the following corrective actions:
1. MFD has augmented its accountability system to ensure compliance.
2. MFD intends to appoint a second safety officer for the department to strengthen the safety program.
3. MFD has added a second member qualified to conduct fit tests for SCBA respirators.
4. MFD has designated a new person (a volunteer) to take responsibility for MFD health and safety recordkeeping

The Town and MFD commit to the following actions to remediate and abate the hazards identified in the inspection:
1. The Fire Chief and up to four (4) MFD officers will attend the Fire Chiefs Workshop being coordinated by the Agency with MFSI and MFCA to be held in February 2027; and
2. The Fire Chief and MFD officers, as well as any other MFD firefighters available, will attend a Respiratory Protection Program training delivered by BLS/SafetyWorks! in Montville or another coordinated location in January 2027. MFD has offered to host the Fire Service Respiratory Protection Program training.

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

Citation and Notification of Penalty

Company Name: Town of Montville/ Montville Volunteer Fire and Rescue Department
Inspection Site: 506 Main Street South Searsmont, ME 04973

Citation 2 Item 1 Type of Violation: **Repeat-Serious**

29 CFR 1910.134(f)(2): The employer did not ensure employee(s) using a tight-fitting facepiece respirator were annually fit tested.

On or about May 15, 2026, and at times before, the Town of Montville Volunteer Fire Department (MFD) did not ensure all employees required to use a Scott 2.2 SCBA and associated facepiece were properly fit tested.

The Town of Montville Fire Department was previously cited for a violation of this Occupational Safety and Health Standard, CFR 29 1910.134(f)(2), which was contained in OSHA inspection number 1819969, citation number 1, item number 4b, and was affirmed as a final order on August 25, 2025, with respect to the above-mentioned workplace.

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

The Town MFD has undertaken the following actions to remediate and abate the hazards identified in the inspection:
1. MFD has augmented its accountability system to ensure compliance.
2. MFD intends to appoint a second safety officer for the department to strengthen the safety program.
3. MFD has added a second member qualified to conduct fit tests for SCBA respirators.
4. MFD has designated a new person (a volunteer) to take responsibility for MFD health and safety recordkeeping.

MFD commits to further remediation, specifically that:
1. The Fire Chief and up to four (4) MFD officers will attend the Fire Chiefs Workshop being coordinated by the Agency with MFSI and MFCA to be held in February 2027; and
2. The Fire Chief and MFD officers, as well as any other MFD firefighters available, will attend a Respiratory Protection Program training delivered by BLS/SafetyWorks! in Montville or another coordinated location in January 2027. MFD has offered to host the Fire Service Respiratory Protection Program training.

Date By Which Violation Must Be Abated:	**February 28, 2027**
Proposed Penalty:	**$10,000.00 – 90% SUSPENDED**

Remediation and Settlement Agreement between the Maine Department of Labor, Bureau of Labor Standards and the Town of Montville
Inspection 1895072

This Agreement is entered into by and between the Maine Department of Labor, Bureau of Labor Standards (hereinafter "Agency"), the Town of Montville (hereinafter "Town"), and the Montville Volunteer Fire and Rescue Department (hereinafter "MFD") to resolve the workplace safety and health violations identified during Inspection 1895072 and the citation issued on October 6, 2026.

I. RECITALS

Sharon Hibbard is the Second Selectperson and Representative for the Town of Montville, Maine, and John York is the Chief of the Montville Fire Department. They are authorized to bind the Town and MFD and enter into this Settlement Agreement.

The Agency conducted Inspection 1895072 and found that MFD 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; and MFD did not ensure that employees required to use a Scott 2.2 SCBA were properly fit tested, which is a repeat serious violation of 29 CFR 1910.134(f)(2) subject to a penalty not to exceed $10,000.00.

II. TERMS OF REMEDIATION AND ABATEMENT OF HAZARDS

MFD has undertaken the following actions to remediate and abate the hazards identified in the inspection:

1. MFD has augmented its accountability system to ensure compliance.
2. MFD intends to appoint a second safety officer for the department to strengthen the safety program.
3. MFD has added a second member qualified to conduct fit tests for SCBA respirators.
4. MFD has designated a new person (a volunteer) to take responsibility for MFD health and safety recordkeeping.

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.

MFD commits to further remediation, specifically that:

1. the Fire Chief and up to four (4) MFD officers will attend the Fire Chiefs Workshop being

coordinated by the Agency with MFSI and MFCA to be held in February 2027; and

2. the Fire Chief and MFD officers, as well as any other MFD firefighters available, will attend a Respiratory Protection Program training delivered by BLS/SafetyWorks! in Montville in January 2027. MFD has offered to host the Fire Service Respiratory Protection Program training.

III. SUSPENSION OF PENALTIES

The total penalty associated with this investigation totals $20,000.00. In consideration for the actions taken by the Town and MFD and the commitment to provide additional training to MFD officers and staff and to prevent and mitigate future hazards, the Agency agrees to suspend the full $10,000.00 penalty for the first citation and to suspend 90% of the $10,000.00 penalty for the second citation so long as all commitments are performed on or before March 31, 2027. The remaining $1,000.00 is due to the Agency by November 30, 2026.

IV. FINAL ORDER, WAIVER OF RIGHT TO APPEAL

The Town and MFD acknowledge that this Agreement constitutes final agency action and waive 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 and MFD acknowledge and understand 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 and MFD acknowledge 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 and MFD retain the right to dispute whether this Agreement has been breached but waive 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 MFD are invited to contact the Agency for free, confidential technical assistance related to workplace safety and health.

SIGNATURES

J. Kate Burkhart

Date: 11.10.26

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

Date: 11/3/26

Chief John York
Montville Fire Department

Date: 11/2/26

Sharon Hibbard, Selectperson
Town of Montville