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By: **Chairman, Environmental Matters Committee (Departmental - State Police)**

Introduced and read first time: January 22, 2001

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Fires and Investigations - Mutual Aid Agreements - Clarification**

3 FOR the purpose of altering the definition of the term "fire, rescue, or emergency  
4 medical services entity" in connection with certain mutual aid agreements;  
5 clarifying language; and generally relating to mutual aid agreements among  
6 fire, rescue, or emergency medical services entities.

7 BY repealing and reenacting, with amendments,  
8 Article 38A - Fires and Investigations  
9 Section 37, 38, 39, 40, 41, and 42  
10 Annotated Code of Maryland  
11 (1997 Replacement Volume and 2000 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article 38A - Fires and Investigations**

15 37.

16 (a) (1) In this [section,] SUBTITLE the following terms have the meanings  
17 indicated.

18 (2) "Fire, rescue, or emergency medical services entity" means a:

19 (i) Governmental subdivision, by its appropriate designated  
20 authority;

21 (ii) Board or fire commission of a fire department or governmental  
22 subdivision;

23 (iii) Fire department;

24 (iv) Fire company;

1 (v) Rescue squad; or

2 (vi) Emergency medical services unit WHICH INCLUDES AN ENTITY  
3 PROVIDING EMERGENCY MEDICAL SERVICES AT ALL LEVELS.

4 (3) (i) "Mutual aid agreement" means an agreement to establish and  
5 carry into effect a plan to assist in extinguishing fires and preserving life and  
6 property within this State, the District of Columbia, Virginia, West Virginia,  
7 Delaware, or Pennsylvania by providing fire fighting, rescue or emergency medical  
8 equipment, personnel and services.

9 (ii) "Mutual aid agreement" includes a reciprocal agreement  
10 entered into in accordance with this section prior to July 1, 1989.

11 (b) Except as provided in subsection (d) of this section, a fire, rescue, or  
12 emergency medical services entity may enter into and renew a mutual aid agreement  
13 with:

14 (1) The District of Columbia;

15 (2) Virginia;

16 (3) West Virginia;

17 (4) Pennsylvania;

18 (5) Delaware; or

19 (6) A fire, rescue, or emergency medical services entity of this State, the  
20 District of Columbia, Virginia, West Virginia, Pennsylvania, or Delaware.

21 (c) The agreement may provide that a subscribing party that requests  
22 assistance under the agreement indemnifies and saves harmless a party providing  
23 assistance under the agreement from all claims by third parties for property damage  
24 or personal injury arising out of the mutual aid activities, including travel, of the  
25 party providing assistance that occur outside the jurisdiction of the party providing  
26 assistance except that the party requesting assistance need not indemnify the party  
27 providing assistance if:

28 (1) The party providing assistance does not cooperate in defending  
29 against claims made by third parties; or

30 (2) The claims by third parties arise out of malicious acts of the  
31 party providing assistance.

32 (d) A fire, rescue, or emergency medical services entity may not enter into a  
33 mutual aid agreement unless the agreement provides that each subscribing party  
34 shall waive any and all claims against all other parties to the agreement that may  
35 arise out of their activities outside their respective jurisdictions under the agreement.

1 38.

2 (a) Any [board of fire commissioners, fire company, rescue squad,  
3 governmental subdivision, or fire department,] FIRE, RESCUE, OR EMERGENCY  
4 MEDICAL SERVICES ENTITY acting through authorized agents[,] may in their  
5 discretion[,] enter into agreement with the federal government for the provision of  
6 fire fighting or rescue activities on property which is under the jurisdiction of the  
7 United States.

8 (b) Any agreement entered into in accordance with subsection (a) hereof shall  
9 be limited to the provision of fire fighting and/or rescue equipment and personnel to  
10 extinguish fires and save lives on property which is under the jurisdiction of the  
11 United States.

12 (c) No [board of fire commissioners, fire company, rescue squad,  
13 governmental subdivision, or fire department] FIRE, RESCUE, OR EMERGENCY  
14 MEDICAL SERVICES ENTITY shall enter into any such agreement in accordance with  
15 subsections (a) and (b) hereof unless the agreement includes:

16 (1) A waiver by each party of all claims against every other party for  
17 compensation for any loss, damage, personal injury, or death occurring in  
18 consequence of the performance of such agreement;

19 (2) A provision to indemnify and save harmless the other parties to such  
20 agreement from all claims by third parties for property damage or personal injury  
21 within the limitations permitted by applicable federal law, that may arise out of the  
22 activities of the other parties to such agreement; and

23 (3) Except in Anne Arundel County, a provision that entitles the [board  
24 of fire commissioners, fire company, rescue squad, governmental subdivision, or fire  
25 department] FIRE, RESCUE, OR EMERGENCY MEDICAL SERVICES ENTITY to obtain  
26 reimbursement from the appropriate federal authority for all or any part of the cost  
27 incurred in furnishing fire protection on property which is under the jurisdiction of  
28 the United States, pursuant to applicable federal law.

29 (d) Any individual who sustains any injury while engaged in and arising out of  
30 any activity under this section is entitled to any or all benefits available to the  
31 individual under the Maryland Workers' Compensation Act, as the primary remedy to  
32 reimburse the individual for expenses for medical bills, loss of earnings and disability  
33 arising under or as a result of this section.

34 39.

35 For the purposes of any workers' compensation or other law or benefit which  
36 would accrue to personnel, paid or volunteer, who are performing any service  
37 anywhere for a [fire department or rescue squad] FIRE, RESCUE, OR EMERGENCY  
38 MEDICAL SERVICES ENTITY of this State, or elsewhere, under any mutual aid  
39 agreement, said personnel shall be held and considered to have performed that  
40 service in the course of employment and in the line of duty in order to fully qualify for  
41 any benefits otherwise accruing.

1 40.

2 Necessary expenditures for the purposes of this subtitle shall be made out of any  
3 appropriations usually available to [fire companies or rescue squads] A FIRE,  
4 RESCUE, OR EMERGENCY MEDICAL SERVICES ENTITY.

5 41.

6 The foregoing sections shall be liberally construed in order to effect the purpose  
7 of this subtitle to provide for mutual aid for [fire departments and rescue squads] A  
8 FIRE, RESCUE, OR EMERGENCY MEDICAL SERVICES ENTITY in time of need.

9 42.

10 (a) In this section, "Board" means the Board of Trustees of the Maryland State  
11 Firemen's Association.

12 (b) A person who is a volunteer firefighter or individual serving on a volunteer  
13 rescue squad is eligible to receive a benefit from the Board if:

14 (1) The person is temporarily or permanently disabled:

15 (i) As a direct result of actively participating in fighting a fire or  
16 while going to or from a fire;

17 (ii) While performing any other duties necessary to the operation or  
18 maintenance of the fire company;

19 (iii) While actively participating in the [ambulance, advanced life  
20 support] EMERGENCY MEDICAL SERVICES UNIT, or rescue work of a volunteer fire,  
21 ambulance, or rescue company or volunteer advanced life support unit in the State; or

22 (iv) While providing emergency or rescue assistance, whether acting  
23 alone or at the direction of or with a fire, ambulance, or rescue company or advanced  
24 life support unit; and

25 (2) The person is supported by the recommendation of the fire company  
26 or volunteer rescue squad of which the person is a member.

27 (c) A benefit under this section shall be paid from the treasury of the  
28 Maryland State Firemen's Association in an amount and in a manner that the Board  
29 determines for as long as the beneficiary is disabled.

30 (d) A benefit under this section shall be paid to a beneficiary regardless of:

31 (1) The district in which the beneficiary was disabled; or

32 (2) Whether the beneficiary was disabled in:

33 (i) This State;

1                           (ii)       One of the following adjacent states - Delaware, Pennsylvania,  
2 West Virginia, Virginia; or

3                           (iii)       The District of Columbia.

4       (e)       The secretary of the Board shall place and keep the name of each  
5 beneficiary under this section on a Disabled Firemen's and Rescue Squadmen's List.

6       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
7 effect October 1, 2001.