

LITCHFIELD FIRE & RESCUE

2407 Hallowell Road, Litchfield Maine 04350

Town of Litchfield
Select Board
2400 Hallowell Road
Litchfield, Maine 04350

August 23, 2021

To the members of the Select Board and the Citizens of Litchfield,

As the Fire Chief of the Litchfield Fire & Rescue Department I make the following Statement regarding the Department of Health and Human Service emergency routine technical rule, titled "Immunization Requirements For Healthcare Workers, 10-144 Code of Maine Rules, Chapter 264."

This emergency technical rule is an update of an existing rule which has been in force since 2002. The update to this rule, as best as I understand it currently, requires all members of the Litchfield Fire & Rescue to be fully vaccinated for COVID-19, because of our status as EMS providers, by September 17th, 2021 in order to allow for the vaccine to take effect within each individual by the compliance deadline of October 1st, 2021. The only exception to this rule for an individual opposed to taking the vaccine is a written medical declaration from a doctor stating that it is medically inadvisable for an individual to receive the vaccine. This rule does not allow for a testing alternative and there is no religious exemption, or any other exemption (except medical) available to a person who would otherwise be free to choose whether or not to receive the COVID vaccine.

As Fire Chief of the Litchfield Fire & Rescue, I am opposed to this rule for two reasons; one is principle and the other is practical. First my Principal argument. The right of an individual, especially a volunteer, to decide what they will and will not put into their body must be protected and fought for. I believe this decision should be the choice of the individual alone. The only option for a member of Litchfield Fire & Rescue who does not want this vaccine, is a leave of absence. Effectively they will not be allowed to work without proof of vaccination. This proof of vaccination requirement also includes 6 other vaccinations or immunizations, most of which would have been administered in infancy for the vast majority of Maine's population. The COVID vaccine stands alone in the way it has been developed, and implemented. That is why some have chosen not to receive the vaccine at this time. I am not opposed to vaccines. I am opposed to forcing individuals to make a choice between this vaccine or quitting the emergency services.

Now for the practical argument. Litchfield Fire & Rescue stands to loose about 1/4 of our roster as a result of this rule. Some are waiting to see if they can get a medical exemption. The practical result is all EMS agencies across the state stand to lose qualified, competent members as a result of this rule. In addition recruitment is likely to suffer the loss of future personnel for the same reasons. The EMS system statewide is suffering from a staffing shortage which preceded this pandemic and has been made worse by its affects. We simply do not have the number of volunteers we once had, statewide and in Litchfield. A vaccine mandate will result in the departure of EMS providers who otherwise would not have left the service. Simply put this rule will shorten the personnel rosters for each agency affected, thus diminishing the capability of all organizations to effectively respond.

I have taken an oath as Fire Chief to uphold the laws of the United States and those of Maine as well. That means I have two options; I can enforce compliance within Litchfield Fire & Rescue as directed by the DHHS rule which has the force of law or I can resign my position and have no part in the Litchfield Fire & Rescue. As long as I am Fire Chief, the Litchfield Fire & Rescue will make every effort to be legally in compliance with the laws and rules of the state of Maine applicable to our organization. Even though I strongly oppose this rule, in fact I passionately oppose this rule, as Chief I have no option but compliance. Therefore it is the position of this Chief to follow the law to the best of my ability and fight as hard as I can to change it.

I believe there may yet be legal options of opposition if a capable attorney willing to fight can be found. I am currently pursuing this avenue at my own expense. As of yet I have found no way to legally oppose this, short of my resignation in protest. I believe that the effect on our department from the resignation of a Chief under these trying circumstances would in fact further the very disruption and lack of service we in EMS fear as a result of this rule. The disruption to the Litchfield Fire & Rescue could possibly result in a loss of our units effectiveness to respond. That brings me to my final point; I have also taken an oath to safeguard the lives and property of the citizens of Litchfield and our mutual aid communities through the faithful execution of my duties as Chief. I will not put lives in jeopardy by causing a greater fracture through my resignation. It is my position that we will comply with this rule as best as we are able. Members who are unable to meet the deadlines imposed on us will have the option to take a leave of absence for an amount of time yet to be determined. The purpose of such leaves shall be to retain membership of good people, until such time as the tyranny that now besets us can be reversed.

Respectfully,

A handwritten signature in black ink, appearing to read "Michael J. Sherman". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Michael J. Sherman
Fire Chief, Litchfield Fire & Rescue.