



## **122nd MAINE LEGISLATURE**

## FIRST REGULAR SESSION-2005

Legislative DocumentNo. 1414U.D. 078U.D. 078

H.P. 978

House of Representatives, March 22, 2005

## An Act To Authorize Municipalities To Create Municipal Fire Districts

Reference to the Committee on State and Local Government suggested and ordered printed.

Millient M. Mac Jailand

MILLICENT M. MacFARLAND Clerk

Presented by Representative DUPLESSIE of Westbrook. Cosponsored by Senator PERRY of Penobscot and Representatives: BARSTOW of Gorham, BLANCHETTE of Bangor, PILON of Saco, TUTTLE of Sanford, VALENTINO of Saco, Senators: MITCHELL of Kennebec, SCHNEIDER of Penobscot.

	Be it enacted by the People of the State of Maine as follows:
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	Sec.1. 30-A MRSA §3158 is enacted to read:
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c	§3158. Municipal fire districts
6	1 Ordinana ) multipal legislation hade may such as
0	1. Ordinance. A municipal legislative body may enact an
8	ordinance to create a municipal fire district within the
10	municipality. The municipal fire district may contain all or
10	part of the municipality.
12	2. Services charges. A municipal fire district ordinance
± 2	must establish service charges for fire protection within the
14	municipal fire district based on an estimation of the cost of
	providing the services. The service charges must be levied
16	against all property owners or parties in possession within the
	municipal fire district, including institutions and organizations
18	otherwise exempt from tax under Title 36, section 652. With
	respect to the determination of service charges, appeals must be
20	made in accordance with an appeals process to be provided by
	municipal ordinance.
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	3. Unpaid service charges; collection. The collection of
24	unpaid service charges levied pursuant to subsection 2 must be
	carried out in the same manner as provided in Title 38, section
26	1208.
28	4. Revenues: use. Municipalities shall use the revenues
	accrued from service charges levied pursuant to subsection 2 to
30	fund, as much as possible, the cost of fire protection.
32	Sec. 2. 30-A MRSA §3538, as enacted by PL 1997, c. 698, §2,
	is amended to read:
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	§3538. Warrant for taxes; service charges
36	
	1. Warrant. The directors shall issue their warrant in the
38	same form as the warrant of the Treasurer of State for taxes,
	with proper changes, to the assessors of the municipalities
40	eemprising composing the district. The warrant must require the
	municipalities to assess the sum allocated to each municipality
42	for payment of the costs of the district upen-the-taxable-estates
	within-these-municipalities- and to commit their assessment to the
44	eenstable-or-collector-ef-the-municipalitiesThe-constable-er
	eelleeter-has-all-the-authority-and powers -to -collect-these-taxes
46	asisvosted-by-lawtocollectstatecountyandmunicipal
	taxes Within-30 -days - after- the -date - fixed - by -the -municipality
48	on-which-its-taxes-are-due,the-treasurer-of-the-municipality
	shall-pay-the-amount-of-the-tax-assessed-under-thic-section-to
50	the-treasurer-of-the-district <del>.</del>

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2	A. Upon the taxable estates within those municipalities; or
4	B. In accordance with a municipal fire district ordinance enacted by a municipality pursuant to section 3158.
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	The municipalities shall commit their assessments to the
8	constables or collectors of the municipalities. The constable or
	collector has all the authority and powers to collect these taxes
10	or service charges as is vested by law to collect state, county
	and municipal taxes. Within 30 days after the date fixed by the
12	municipality on which its taxes are due, the treasurer of the
	municipality shall pay the amount of the tax assessed under this
14	section to the treasurer of the district.
16	2. Failure to pay. If the treasurer of a municipality
1.0	fails to pay the sum assessed under this section, or fails to pay
18	any part of the sum by the date set in the year in which the tax
20	or service charge is levied, the treasurer of the district may
20	issue a warrant for the amount of the tax or service charge, or
22	so much of the tax as <u>or service charge that</u> remains unpaid, to the sheriff of the appropriate county, requiring the sheriff to
22	levy the tax <u>or service charge</u> by distress and sale on real and
24	personal property of any of the inhabitants of the municipality.
24	The sheriff or a deputy shall execute the warrant.
26	ine sheriri or a deputy sharr excedet the warrant.
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28	SUMMARY
30	Mhia bill authorized anniaiselities to success anniaisel fina
20	This bill authorizes municipalities to create municipal fire districts that may, by ordinance, charge service charges for fire
32	protection. The bill also amends a statute to authorize
34	municipalities to collect regional fire district service charges
34	in addition to taxes.
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