

# MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 2406

H. P. 1895

House of Representatives, January 23, 1974

Referred to the Committee on Appropriations and Financial Affairs. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mr. Jalbert of Lewiston.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FOUR

**AN ACT to Transfer Certain Unexpended Dedicated Funds at End of  
Fiscal Year.**

Be it enacted by the People of the State of Maine, as follows:

**Sec. 1. R. S., T. 5, § 151, amended.** Section 151 of Title 5 of the Revised Statutes, as amended, is further amended by adding at the end the following new paragraph:

Notwithstanding any other statutory provision to the contrary, whenever there shall accumulate in the State Treasury to the account of any board or commission charged with the duty of issuing licenses for the conduct of any profession, trade or business, sums of money in excess of the amount required properly to cover the expenses of performing the duties imposed upon such board or commission in connection with the granting of such licenses and the supervision of person licensed, the Commissioner of Finance and Administration, with the approval of the Governor and Council, shall have authority to discontinue such excess amounts and to merge the balance or balances of such fund or funds so discontinued with the General Fund.

**Sec. 2. R. S., T. 8, § 161, amended.** The 5th paragraph of section 161 of Title 8 of the Revised Statutes, as amended, is further amended by adding at the end the following new sentence:

The unexpended balance of funds in this account shall be transferred to the General Fund at the end of the fiscal year.

**Sec. 3. R. S., T. 8, § 211, sub-§ 9, amended.** The last sentence of subsection 9 of section 211 of Title 8 of the Revised Statutes, as amended by

section 2 of chapter 592 of the public laws of 1971, is repealed and the following enacted in place thereof:

**The fees shall be credited to the Department of Public Safety and any unexpended balance shall be transferred to the General Fund at the end of the fiscal year.**

**Sec. 4. R. S., T. 8, § 393, repealed and replaced.** Section 393 of Title 8 of the Revised Statutes, as amended by section 4 of chapter 592 of the public laws of 1971, is repealed and the following enacted in place thereof:

**§ 393. Use of fees**

**The license fees must be credited to the Department of Public Safety to defray its expenses. Any balance of the fees remaining at the end of the fiscal year is to be transferred to the General Fund.**

**Sec. 5. R. S., T. 8, § 502, amended.** The 2nd paragraph of section 502 of Title 8 of the Revised Statutes, as amended by section 33 of chapter 592 of the public laws of 1971, is repealed and the following enacted in place thereof:

**Such fees shall be credited to the Department of Public Safety to defray expenses of the department. Any unexpended balance of said fees shall be transferred to the General Fund at the end of the fiscal year.**

**Sec. 6. R. S., T. 8, § 551, amended.** The last sentence of the 5th paragraph of section 551 of Title 8 of the Revised Statutes is repealed and the following enacted in place thereof:

**Any balance of said fees shall be transferred to the General Fund at the end of the fiscal year.**

**Sec. 7. R. S., T. 8, § 652, amended.** The next to the last sentence of section 652 of Title 8 of the Revised Statutes is repealed and the following enacted in place thereof:

**Any balance of said fees shall be transferred to the General Fund at the end of the fiscal year.**

**Sec. 8. R. S., T. 8, § 653, amended.** The next to the last sentence of section 653 of Title 8 of the Revised Statutes is repealed and the following enacted in place thereof:

**Any balance of said fees shall be transferred to the General Fund at the end of the fiscal year.**

**Sec. 9. R. S., T. 9, § 2, amended.** The last sentence of the 2nd paragraph of section 2 of Title 9 of the Revised Statutes is repealed and the following enacted in place thereof:

**Any balance of said funds shall be transferred to the General Fund at the end of the fiscal year.**

**Sec. 10. R. S., T. 24-A, § 604, sub-§ 3, amended.** Subsection 3 of section 604 of Title 24-A of the Revised Statutes, as enacted by section 1 of chapter

132 of the public laws of 1969, and as amended, is further amended by adding at the end the following new sentence :

**The unexpended balance of funds in this account shall be transferred to the General Fund at the end of the fiscal year.**

**Sec. 11. R. S., T. 25, § 2399, repealed and replaced.** Section 2399 of Title 25 of the Revised Statutes, as amended, is repealed and the following enacted in place thereof :

**§ 2399. Commissioner's expenses ; director ; inspectors**

The Commissioner of Public Safety may incur reasonable expenses in educating the public in fire prevention and protection.

Svery fire insurance company or association which does business or collects premiums or assessments in the State shall pay to the State Tax Assessor on the first day of May, annually, in addition to the taxes now imposed by law to be paid by such companies or associations,  $\frac{6}{10}$  of 1% of the gross direct premiums for fire risks written in the State during the preceding calendar year, less the amount of all direct return premiums thereon and all dividends paid to policyholders on direct fire premiums during said calendar year. The State Tax Assessor shall pay over all receipts from such tax to the Treasurer of State daily. Said funds shall be used solely to defray the expenses incurred by the Commissioner of Public Safety in administering all fire preventive and investigative laws, rules and regulations and in educating the public in fire safety and are appropriated for such purposes and to carry out the administration and duties of the office of State Fire Marshal, except that the unexpended balance of such funds shall be transferred to the General Fund at the end of the fiscal year.

The premium tax return shall be made at the same time and in the same manner as provided for insurance premium taxes specified in Title 36, section 2516.

**Sec. 12. R. S., T. 25, § 2444, repealed and replaced.** Section 2444 of Title 25 of the Revised Statutes, as amended by section 35 of chapter 592 of the public laws of 1971, is repealed and the following enacted in place thereof :

**§ 2444. Transportation of explosives**

As a condition to the granting of a permit or license to transport explosives, the Commissioner of Public Safety may require that the vehicle used in transportation of explosives may be accompanied by a representative of the commissioner. Mileage shall be paid to the Department of Public Safety by the person to whom the license is issued at the rate allowed by the State for the use of a personal vehicle on state business and shall be credited to the Department of Public Safety to defray expenses of the department. Any unexpended balance of said fees shall be transferred to the General Fund at the end of the fiscal year.

**Sec. 13. R. S., T. 25, § 2450, repealed and replaced.** Section 2450 of Title 25 of the Revised Statutes, as amended, is repealed and the following enacted in place thereof :

**§ 2450. Examinations by Division of State Fire Prevention**

The fee for examination by the Commissioner of Public Safety, through the State Fire Marshal of each set of plans for construction, reconstruction or repairs of public buildings, hospitals, convalescent, nursing or boarding homes to be licensed by the Division of Hospital Services, Department of Health and Welfare, theaters or other place of public assembly shall be \$15. Such fee shall be credited to the State Fire Marshal to defray the expenses of that office. Any unexpended balance of said fees shall be transferred to the General Fund at the end of the fiscal year.

**Sec. 14. R. S., T. 25, § 2803, amended.** Section 2803 of Title 25 of the Revised Statutes, as enacted by section 1 of chapter 491 of the public laws of 1969, as repealed and replaced by section 12 of chapter 592 of the public laws of 1971, and as amended, is further amended by adding at the end the following new sentence:

**Any unexpended balance of said fees shall be transferred to the General Fund at the end of the fiscal year.**

**Sec. 15. R. S., T. 30, § 5253, sub-§ 4, repealed and replaced.** Subsection 4 of section 5253 of Title 30 of the Revised Statutes is repealed and the following enacted in place thereof:

4. **Expense.** Each municipality and quasi-municipal corporation shall pay into the General Fund the expense of its postaudit. The cost for services rendered and expenses incurred by the Department of Audit under this section shall be paid by the State from an appropriation for the Department of Audit.

**A.** The State Auditor shall certify to the Treasurer of State for collection any unpaid balance due the State Department of Audit after a 90-day period from the date of billing has elapsed.

**Sec. 16. R. S., T. 32, § 1154, amended.** The last sentence of section 1154 of Title 32 of the Revised Statutes, as repealed and replaced by chapter 363 of the public laws of 1973, is repealed and the following enacted in place thereof:

**Any unexpended balance of said fees shall be transferred to the General Fund at the end of the fiscal year.**

**Sec. 17. R. S., T. 32, § 1707, amended.** Section 1707 of Title 32 of the Revised Statutes, as enacted by chapter 56 of the public laws of 1973, is amended by adding at the end the following new sentence:

**Any unexpended balance of such fees shall be transferred to the General Fund at the end of the fiscal year.**

**Sec. 18. R. S., T. 32, § 2354, amended.** The last sentence of section 2354 of Title 32 of the Revised Statutes, as repealed and replaced by chapter 384 of the public laws of 1973, is repealed and the following enacted in place thereof:

**Any unexpended balance of said fees shall be transferred to the General Fund at the end of the fiscal year.**

**Sec. 19. R. S., T. 32, § 4055, amended.** The 4th sentence of section 4055 of Title 32 of the Revised Statutes is repealed and the following enacted in place thereof:

**Any moneys in excess of \$25,000 remaining in the Real Estate Fund at the end of the fiscal year shall lapse to the General Fund.**

**Sec. 20. R. S., T. 35, § 1557, sub-§ 2, amended.** The first sentence of subsection 2 of section 1557 of Title 35 of the Revised Statutes is amended to read as follows:

Each application for a certificate or permit shall be accompanied by a fee of \$25, and each application for amendment of a certificate or permit, for the transfer of a certificate or permit or for the reopening or rehearing of an application shall be accompanied by a fee of \$10, which is not for revenue purposes, but shall be used by the commission for the purpose of defraying the expenses of administering this chapter and chapter 95, and any portion of such fees not used or required for this purpose shall be added to the General ~~Highway~~ Fund.

#### STATEMENT OF FACT

This bill implements several recommendations of the Maine Management and Cost Survey Report. The purpose of this Act is reflected in the title. This Act was supported by the Governor in his special message of January 10, 1974, to the special session of the 106th Legislature.