

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
115TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "B" to H.P. 706, L.D. 1011, Bill, "An Act to Amend the Schedule of Fees for Plan Review and Issuing of Permits and Approval through the Office of the State Fire Marshal"

Amend the bill by striking out the title and substituting the following:

'An Act to Amend Fire Insurance Premiums and the Schedule of Fees in the Office of the State Fire Marshal'

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 25 MRSA §2399, as amended by PL 1991, c. 9, Pt. J, §1, is further amended to read:

**§2399. Commissioner of Public Safety's expenses**

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

Every fire insurance company or association that does business or collects premiums or assessments in the State shall pay to the State Tax Assessor, in addition to the taxes now imposed by law to be paid by those companies or associations, 1.4% of the gross direct premiums for fire risks written in the State, less the amount of all direct return premiums thereon and all dividends paid to policyholders on direct fire premiums. That tax must be paid as provided for insurance premium taxes as specified in Title 36, section 2521-A, except that the tax prescribed by this section must be paid on an estimated basis at

the end of each quarter starting with the first quarter of 1983, with each installment equal to at least 25% of the estimated total tax to be paid for the current calendar year. The State Tax Assessor shall pay over all receipts from that tax to the Treasurer of State daily. ~~Of these~~ These funds 75.7% must be used to defray the deposited in the State's General Fund. The expenses incurred by the Commissioner of Public Safety in administering all fire preventive and investigative laws and rules and in educating the public in fire safety and is appropriated for those purposes and to carry out the administration and duties of the Office of the State Fire Marshal must be within those amounts appropriated by the Legislature from the General Fund. ~~Of these funds 24.3%~~ Appropriations from the General Fund must be used to defray the expenses of the fire training and education program as established in Title 20-A, chapter 319.

~~Whenever there shall accumulate in the special fund created by this section a surplus sufficient to defray the expenses of such administration for an ensuing period of one year, then, in the discretion of the Commissioner of Public Safety, the foregoing special tax for that year may be omitted, and the Commissioner of Public Safety shall certify to the State Tax Assessor that the special tax is to be omitted and said certification is to be made not later than the 31st day of January of the year in which the tax would otherwise be assessed.~~

Sec. 2. 25 MRSA §2450, as repealed and replaced by PL 1983, c. 232, §2, is amended to read:

**§2450. Examinations by State Fire Marshal**

The Commissioner of Public Safety shall, in accordance with requirements of the Maine Administrative Procedure Act, Title 5, chapter 375, shall adopt a schedule of fees for the examination of all plans for construction, reconstruction or repairs submitted to the Office of the State Fire Marshal. ~~No fee charged pursuant to this section may exceed \$55.~~ Fees may not exceed \$350 for each project over \$5,000,000 plus \$100 for each additional \$1,000,000 of construction cost. The fees shall must be credited to the State Fire Marshal to defray the expenses of that office General Fund. ~~Any balance of the fees shall not lapse, but shall be carried forward as a continuing account to be expended for the same purpose in the following fiscal years.~~

Sec. 3. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1991-92	1992-93
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PUBLIC SAFETY,  
DEPARTMENT OF

2 **Office of the State Fire Marshal**

4	Positions	(34.0)	(34.0)
	Personal Services	\$984,437	\$1,404,160
6	All Other	267,626	357,683
	Capital Expenditures	96,000	

8			
	TOTAL	\$1,348,063	\$1,761,843

10 Provides funds for the  
12 operation of the Office of  
the State Fire Marshal as a  
14 result of the repeal of  
dedicated funding for the  
16 office.

18 **Fire Sprinkler Regulation**

20	Positions	(1.0)	(1.0)
	Personal Services	\$24,223	\$35,433
22	All Other	5,589	7,806

24	TOTAL	\$29,812	\$43,239
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26 Provides funding for fire  
sprinkler regulation as a  
28 result of the repeal of  
dedicated funding for this  
30 program.

32 **DEPARTMENT OF PUBLIC SAFETY**  
34 **TOTAL**

\$1,377,875	\$1,805,082
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36 **MAINE TECHNICAL COLLEGE SYSTEM,  
BOARD OF TRUSTEES OF THE**

38 **Board of Trustees of the  
Maine Technical College System**

40	All Other	\$372,371	\$522,418
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42 Provides funding for the  
44 Maine Fire Education and  
Training Program as a result  
46 of the repeal of dedicated  
funding for this program.

48 **BOARD OF TRUSTEES OF THE MAINE**  
50 **TECHNICAL COLLEGE SYSTEM**  
**TOTAL**

\$372,371	\$522,418
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## APPROPRIATION TOTAL

\$1,750,246

\$2,327,500

Sec. 4. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

1991-92

1992-93

PUBLIC SAFETY,  
DEPARTMENT OF

## Office of the State Fire Marshal

Positions	(-34.0)	(-34.0)
Personal Services	(\$984,437)	(\$1,404,160)
All Other	(267,626)	(357,683)
Capital Expenditures	(96,000)	
TOTAL	(\$1,348,063)	(\$1,761,843)

Provides for the deallocation of funds as a result of the transfer of this program to the General Fund.

## Fire Sprinkler Regulation

Positions	(-1.0)	(-1.0)
Personal Services	(\$24,223)	(\$35,433)
All Other	(5,589)	(7,806)
TOTAL	(29,812)	(\$43,239)

Provides for the deallocation of funds as a result of the transfer of this program to the General Fund.

DEPARTMENT OF PUBLIC SAFETY  
TOTAL

(\$1,377,875)

(\$1,805,082)

## ALLOCATION TOTAL

(\$1,377,875)

(\$1,805,082)

## FISCAL NOTE

1991-92

1992-93

## APPROPRIATIONS/ALLOCATIONS

COMMITTEE AMENDMENT "B" to H.P. 706, L.D. 1011

2	General Fund	\$1,750,246	\$2,327,500
4	Other Funds	(1,377,875)	(1,805,082)

REVENUES

6	General Fund	\$1,750,246	\$2,327,500
8	Other Funds	(1,750,246)	(2,327,500)

10 This bill undedicates the funding of the Office of the State  
12 Fire Marshal within the Department of Public Safety and the fire  
14 training and education program administered by the Maine  
16 Technical College System. Crediting the proceeds of the fire  
18 insurance premium tax and fees collected for plan review and  
20 issuance of permits to the General Fund and raising the maximum  
22 fees for plan review and the issuance of permits will increase  
24 General Fund revenue by \$1,750,246 in fiscal year 1991-92 and  
\$2,327,500 in fiscal year 1992-93. The Office of the State Fire  
Marshal and the Maine Technical College System will require  
appropriations of \$1,750,246 in fiscal year 1991-92 and  
\$2,327,500 in fiscal year 1992-93. Existing allocations to the  
Office of the State Fire Marshal of \$1,377,875 in fiscal year  
1991-92 and \$1,805,082 in fiscal year 1992-93 are deallocated.'

STATEMENT OF FACT

28 This amendment amends the title and repeals the dedicated  
30 funding of the Office of the State Fire Marshal and the Maine  
32 Technical College System and remits the proceeds of the fire  
34 insurance premium tax and the fees collected for plan review and  
36 issuance of permits to the General Fund. The amendment further  
38 states that the operation of the Office of the State Fire Marshal  
will be funded from the General Fund. The amendment also raises  
the maximum fees for plan review and the issuance of permits and  
adds appropriation and allocation sections and a fiscal note to  
the bill.

Reported by the Minority of the Committee on State and Local Government  
Reproduced and distributed under the direction of the Clerk of the  
House  
6/7/91 (Filing No. H-592)