

MAINE STATE LEGISLATURE

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L.D. 1362

DATE: *May 22, 2001*

(Filing No. S- *241*)

CRIMINAL JUSTICE

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**STATE OF MAINE
SENATE
120TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "*A*" to S.P. 418, L.D. 1362, Bill, "An Act to Increase the Fire Investigation and Prevention Tax, Repeal Certain Fire Inspection Fees and Direct the Commissioner of Public Safety to Set Certain Fire Inspection Fees by Rule"

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

'An Act to Provide Funding for the Office of the State Fire Marshal and to Increase Certain Fire Inspection Fees'

Further amend the bill by inserting after the title and before the enacting clause the following:

'Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, an immediate increase in revenue is required to prevent the curtailing of staff and services of the Office of the State Fire Marshal; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

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

COMMITTEE AMENDMENT

2 **Sec. 1. 8 MRSA §161, sub-§5**, as enacted by PL 1997, c. 728,
§1, is amended to read:

4
5. **Fee.** The fee for a dancing license is ~~\$15~~ **\$117**. The
6 fee must accompany the application for the license and is not
7 refunded in those cases in which the premises are inspected.
8 Fees collected under this section must be deposited into a
9 special revenue account to carry out the purposes of this
10 section. A fee is not required for the licensing of dances
11 conducted by and for students in public, private or state-owned
12 school buildings or municipally owned buildings.

14 **Sec. 2. 8 MRSA §227-A, sub-§3**, as enacted by PL 1999, c. 671,
§6, is amended to read:

16
3. **Fees.** The fee for a permit is \$30 per display and the
18 fee for a site inspection is ~~\$15~~ **\$111**.

20 **Sec. 3. 8 MRSA §232, sub-§1**, as enacted by PL 1999, c. 671,
§12, is amended to read:

22
1. **Fee for fireworks technician.** The fee for ~~--a-~~ an
24 initial fireworks technician license is ~~\$25~~ **\$180**. The fee for
renewal of the license is \$25.

26
28 **Sec. 4. 8 MRSA §652**, as amended by PL 1997, c. 728, §6, is
further amended to read:

30 **§652. Applications for license; inspections**

32 The owner, lessee, tenant or occupant of any building or
34 place of assembly required to be licensed under section 651 shall
apply to the Commissioner of Public Safety for that license.
36 Upon receipt of the application, the Commissioner of Public
Safety or the commissioner's designee shall inspect the building
38 or place of assembly to be used for theatrical or motion picture
purposes. If the building complies with all laws and rules,
40 the commissioner shall issue a license to the person desiring to
operate the theatrical or motion picture production in that
42 building. The fee for a license is ~~\$37.50~~ **\$106**. All theatrical
or motion picture licenses issued expire one year after date of
44 issue unless sooner revoked. The fees are credited to a special
revenue account to defray the expenses of the inspections. Any
46 balance of those fees does not lapse but must be carried forward
as a continuing account to be expended for the same purposes in
the following fiscal years.

48
50 **Sec. 5. 25 MRSA §2476, sub-§3**, as enacted by PL 1999, c. 652,
§9, is amended to read:

2 **3. Inspection of storage magazines and vehicles used to**
3 **transport explosives.** All storage magazines and vehicles used to
4 transport explosives in intrastate commerce must be inspected
5 prior to issuance of a permit. The ~~cost-of-each~~ fee for an
6 inspection of a storage magazine is \$30 \$78. The fee for the
7 inspection of a vehicle used to transport explosives is \$83
8 except that the fee for the inspection of a vehicle used to
9 transport fireworks explosives is \$98. Reinspection of storage
10 magazines and vehicles used to transport explosives must be
11 conducted upon renewal of a permit.

12 **Sec. 6. Special assessment on fire risks.** To provide funds for
13 the State Fire Marshal, every fire insurance company or
14 association that does business or collects premiums or
15 assessments in the State shall collect pursuant to this section a
16 special assessment from policyholders of insured fire risks
17 located in the State.

18 **1. Special assessment.** The special assessment:

19 A. Must be collected on insured policies on all fire risks
20 located in the State issued or renewed on or after July 1,
21 2001 and prior to July 1, 2002;

22 B. Must be equal to 0.4% of the gross direct premiums for
23 fire risks written in the State, less the amount of all
24 direct return premiums thereon and all dividends paid to
25 policyholders on direct fire premiums;

26 C. Must be separately identified on all premium notices;

27 D. Is a part of the insurance premium only for purposes of
28 those portions of the Maine Revised Statutes, Title 24-A,
29 including chapter 41, subchapter V, relating to cancellation
30 or nonrenewal of insurance coverage;

31 E. Except as provided in paragraph D but notwithstanding
32 any other provision of law, does not constitute and may not
33 be reported as a part of the premium as defined in Title
34 24-A, section 2403; and

35 F. Must be paid as provided for insurance premium taxes as
36 specified in Title 36, section 2521-A, except that the
37 assessment must be paid on an estimated basis at the end of
38 each month, starting July 31, 2001 and ending June 30, 2002,
39 with each installment equal to at least 1/12 of the
40 estimated total assessment for the fiscal year that begins
41 July 1, 2001.

COMMITTEE AMENDMENT "A" to S.P. 418, L.D. 1362

2. Fund. The State Tax Assessor shall pay over all receipts from the special assessment to the Treasurer of State daily. The Treasurer of State shall deposit all special assessments collected pursuant to this section into a separate nonlapsing fund that must be used solely to defray the expenses incurred by the Commissioner of Public Safety in administering all fire preventative and investigative laws and rules and in educating the public in fire safety and to carry out the administration and duties of the Office of the State Fire Marshal. All interest earned on the fund must be paid to the fund.

Sec. 7. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

	2001-02	2002-03
PUBLIC SAFETY, DEPARTMENT OF		
Fire Marshal - Office of		
Personal Services	\$202,675	\$202,675
All Other	107,496	124,861
Capital Expenditures	240,000	260,000
Allocates additional funds to cover increased operating costs.		
DEPARTMENT OF PUBLIC SAFETY		
TOTAL	<u>\$550,171</u>	<u>\$587,536</u>

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.'

Further amend the bill by inserting at the end before the summary the following:

FISCAL NOTE

	2001-02	2002-03
APPROPRIATIONS/ALLOCATIONS		
Other Funds	\$550,171	\$587,536
REVENUES		
Other Funds	\$550,171	\$733,561

COMMITTEE AMENDMENT

2 Increasing fire investigation and prevention assessments and
3 fees will increase dedicated revenue collections. The estimated
4 increases of dedicated revenue to the Office of the State Fire
5 Marshal within the Department of Public Safety are \$550,171 and
6 \$733,561 in fiscal years 2001-02 and 2002-03, respectively.

8 The bill includes Other Special Revenue funds allocations of
9 \$550,171 and \$587,536 in fiscal years 2001-02 and 2002-03,
10 respectively, for the Office of the State Fire Marshal to cover
11 increased operational costs.'

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SUMMARY

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This amendment, which is the majority report of the Joint
Standing Committee on Criminal Justice, replaces the bill. The
18 amendment accomplishes the following:

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1. Changes the title to reflect the content of the
amendment;

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2. Adds an emergency preamble and emergency clause to the
bill;

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28

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3. Establishes a one-year special assessment to be
collected from policyholders of insured fire risks located in the
State. This special assessment is designed to provide operating
revenues for the Office of the State Fire Marshal for fiscal year
2002;

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34

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4. Increases certain inspection and permit fees collected
by the Office of the State Fire Marshal to more accurately
reflect the costs associated with those inspections and permits;
and

5. Adds an allocation section and a fiscal note to the bill.