

# MAINE STATE LEGISLATURE

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DATE: *May 25, 2001*

(Filing No. S-272)

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

SENATE 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 Allow the Commissioner of Public Safety to Set by Rule 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 inserting after section 2 the following:

**SENATE AMENDMENT**

2 'Sec. 3. 8 MRSA §232, sub-§1, as enacted by PL 1999, c. 671,  
§12, is repealed and the following enacted in its place:

4 1. Fee for fireworks technician. The Commissioner of  
6 Public Safety shall establish by rule the fees for a fireworks  
8 technician license and for renewal of the license. Rules adopted  
10 pursuant to this subsection are routine technical rules as  
12 defined in Title 5, chapter 375, subchapter II-A. The fees  
established under this subsection may not exceed the actual cost  
to the Department of Public Safety associated with processing an  
applicant, including administering the written examination, and  
issuing the license.'

14 Further amend the bill by striking out all of section 4  
16 (page 2, lines 10 to 35 in L.D.)

18 Further amend the bill by inserting after section 5 the  
following:

20 'Sec. 6. Special assessment on fire risks. To provide funds for  
22 the State Fire Marshal, every fire insurance company or  
24 association that does business or collects premiums or  
assessments in the State shall collect pursuant to this section a  
special assessment from policyholders of insured fire risks  
located in the State.

26 1. Special assessment. The special assessment:

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

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

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

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

44 E. Except as provided in paragraph D, but notwithstanding  
46 any other provision of law, does not constitute and may not  
48 be reported as a part of the premium as defined in the Maine  
Revised Statutes, Title 24-A, section 2403; and

2 F. Must be paid as provided for insurance premium taxes as  
4 specified in the Maine Revised Statutes, Title 36, section  
6 2521-A, except that the assessment must be paid on an  
8 estimated basis at the end of each month, starting July 31,  
2001 and ending June 30, 2002, with each installment equal  
to at least 1/12 of the estimated total assessment for the  
fiscal year that begins July 1, 2001.

10 2. Fund. The State Tax Assessor shall pay over all  
12 receipts from the special assessment to the Treasurer of State  
14 daily. The Treasurer of State shall deposit all special  
16 assessments collected pursuant to this section into a separate  
18 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.

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

	2001-02	2002-03
<b>26 PUBLIC SAFETY, DEPARTMENT OF</b>		
<b>28 Fire Marshal - Office of the</b>		
30 Personal Services	\$202,675	\$202,675
32 All Other	107,496	124,861
34 Capital Expenditures	240,000	260,000
36 Allocates additional funds to cover increased operating costs.		
<b>38 DEPARTMENT OF PUBLIC SAFETY</b>		
<b>TOTAL</b>	<u>\$550,171</u>	<u>\$587,536</u>

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

44 Further amend the bill by relettering or renumbering any  
46 nonconsecutive Part letter or section number to read  
consecutively.

**48 FISCAL NOTE**

	2001-02	2002-03
<b>50</b>		

2 **APPROPRIATIONS/ALLOCATIONS**

4 Other Funds \$550,171 \$587,536

6 **REVENUES**

8 Other Funds \$550,171 \$733,561

10 Increasing fire investigation and prevention assessments and  
12 fees will increase dedicated revenue collections. The estimated  
14 increases of dedicated revenue to the Office of the State Fire  
16 Marshal within the Department of Public Safety are \$550,171 and  
18 \$733,561 in fiscal years 2001-02 and 2002-03, respectively.

20 The amendment includes Other Special Revenue funds  
22 allocations of \$550,171 and \$587,536 in fiscal years 2001-02 and  
24 2002-03, respectively, for the Office of the State Fire Marshal  
26 to cover increased operational costs.

22 **SUMMARY**

24 This amendment:

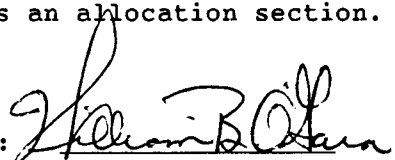
26 1. Changes the title to reflect the content of the  
28 amendment;

30 2. Adds an emergency to the bill;

32 3. Establishes a one-year special assessment to be  
34 collected from policyholders of insured fire risks located in the  
36 State. This special assessment is designed to provide operating  
38 revenues for the Office of the State Fire Marshal for fiscal year  
40 2001-02;

42 4. Leaves in place those portions of the bill that allow  
44 the State Fire Marshal to set certain inspection fees by rule to  
46 cover the actual cost of the inspections and inserts a provision  
48 allowing the Fire Marshal to set the firework technician license  
50 fee by rule; and

52 5. Adds an allocation section.

SPONSORED BY:   
(Senator O'GARA)

50 COUNTY: Cumberland

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