

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1362

S.P. 418

In Senate, March 5, 2001

**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.**

Submitted by the Department of Public Safety pursuant to Joint Rule 204.
Reference to the Committee on Criminal Justice suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator McALEVEY of York.
Cosponsored by Senator O'GARA of Cumberland, Representatives: BERRY of Livermore,
DUPLESSIE of Westbrook, WHEELER of Bridgewater.

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

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

6 **5. Fee.** The Commissioner of Public Safety shall establish by rule the fee for a dancing license is--\$15. Rules adopted pursuant to this subsection are routine technical rules as 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 to conduct the inspection pursuant to subsection 3. The fee must accompany the application for the license and is not refunded in those cases in which the premises are inspected. Fees collected under this section must be deposited into a special revenue account to carry out the purposes of this section. A fee is not required for the licensing of dances conducted by and for students in public, private or state-owned school buildings or municipally owned buildings.

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22 **Sec. 2. 8 MRSA §227-A, sub-§3**, as enacted by PL 1999, c. 671, §6, is repealed and the following enacted in its place:

24 **3. Fees.** The Commissioner of Public Safety shall establish by rule the fees for a permit to conduct a display and for a site inspection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A. The fee for a permit to conduct a display may not exceed the actual cost to the department to qualify an applicant. The fee for a site inspection may not exceed the actual cost to the department to conduct the inspection.

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34 **Sec. 3. 8 MRSA §652**, as amended by PL 1997, c. 728, §6, is further amended to read:

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

38 The owner, lessee, tenant or occupant of any building or place of assembly required to be licensed under section 651 shall apply to the Commissioner of Public Safety for that license. Upon receipt of the application, the Commissioner of Public Safety or the commissioner's designee shall inspect the building or place of assembly to be used for theatrical or motion picture purposes. If the building complies with all laws and rules, the commissioner shall issue a license to the person desiring to operate the theatrical or motion picture production in that building. The commissioner shall establish by rule the fee for a theatrical or motion picture license is--\$37.50. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A. The fees

2 established under this section may not exceed the actual cost to
3 the Department of Public Safety to conduct this inspection. All
4 theatrical or motion picture licenses issued expire one year
5 after date of issue unless sooner revoked. The fees are credited
6 to a special revenue account to defray the expenses of the
7 inspections. Any balance of those fees does not lapse but must
8 be carried forward as a continuing account to be expended for the
same purposes in the following fiscal years.

10 **Sec. 4. 25 MRSA §2399, 2nd ¶**, as amended by PL 1997, c. 728,
11 §22, is further amended to read:

12
13 Every fire insurance company or association that does
14 business or collects premiums or assessments in the State shall
15 pay to the State Tax Assessor, in addition to the taxes now
16 imposed by law to be paid by those companies or associations,
17 ~~1.4%~~ 1.9% of the gross direct premiums for fire risks written in
18 the State, less the amount of all direct return premiums thereon
19 and all dividends paid to policyholders on direct fire premiums.
20 That tax must be paid as provided for insurance premium taxes as
21 specified in Title 36, section 2521-A, except that the tax
22 prescribed by this section must be paid on an estimated basis at
23 the end of each month starting July 31, 1998, with each
24 installment equal to at least 1/12 of the estimated total tax to
25 be paid for the current calendar year. The State Tax Assessor
26 shall pay over all receipts from that tax to the Treasurer of
27 State daily. Of these funds 75.7% must be used to defray the
28 expenses incurred by the Commissioner of Public Safety in
29 administering all fire preventive and investigative laws and
30 rules and in educating the public in fire safety and is
31 appropriated for those purposes and to carry out the
32 administration and duties of the Office of the State Fire
33 Marshal. Of these funds 24.3% must be used to defray the
34 expenses of the fire training and education program as
35 established in Title 20-A, chapter 319.

36
37 **Sec. 5. 25 MRSA §2476, sub-§3**, as enacted by PL 1999, c. 652,
38 §9, is amended to read:

39
40 **3. Inspection of storage magazines and vehicles used to**
41 **transport explosives.** All storage magazines and vehicles used to
42 transport explosives in intrastate commerce must be inspected
43 prior to issuance of a permit. The commissioner shall establish
44 by rule the cost of each inspection is--\$30. Rules adopted
45 pursuant to this section are routine technical rules as defined
46 in Title 5, chapter 375, subchapter II-A. The fees established
47 under this subsection may not exceed the actual cost to the
48 Department of Public Safety to conduct these inspections.
49 Reinspection of storage magazines and vehicles used to transport
50 explosives must be conducted upon renewal of a permit.

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SUMMARY

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6 This bill increases from 1.4% to 1.9% the fire investigation
and prevention tax. The revenues derived from the tax increase
8 will be used to support increased operations expenses in the
Office of the State Fire Marshal within the Office of Public
10 Safety and to fund the increased operational expenses to carry
out the goals and objectives of the 1999 strategic plan of Maine
12 Fire Training and Education Program within the Maine Technical
College System.

14

16 This bill removes provisions that establish in law the fees
for certain inspections conducted by the Office of State Fire
18 Marshal within the Department of Public Safety. The bill directs
the Commissioner of Public Safety to set these fees by rulemaking
and designates the rules as routine technical rules. The bill
20 prohibits the department from setting the fees higher than the
actual cost of conducting the inspections.