

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1825

H.P. 1368

House of Representatives, June 6, 2001

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

(EMERGENCY)

Reference to the Committee on Criminal Justice suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative POVICH of Ellsworth. (GOVERNOR'S BILL)
Cosponsored by Senator McALEVEY of York and
Representatives: BLANCHETTE of Bangor, GERZOFSKY of Brunswick, O'BRIEN of
Lewiston, PEAVEY of Woolwich, Senator: O'GARA of Cumberland.

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

4
6 **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

8
10 **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
12 necessary for the preservation of the public peace, health and
safety; now, therefore,

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

16 **Sec. 1. 8 MRSA §161, sub-§5,** as enacted by PL 1997, c. 728,
18 §1, is amended to read:

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

28 **Sec. 2. 8 MRSA §227-A, sub-§3,** as enacted by PL 1999, c. 671,
30 §6, is amended to read:

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

34 **Sec. 3. 8 MRSA §232, sub-§1,** as enacted by PL 1999, c. 671,
36 §12, is amended to read:

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

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

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

46 The owner, lessee, tenant or occupant of any building or
48 place of assembly required to be licensed under section 651 shall
apply to the Commissioner of Public Safety for that license.
50 Upon receipt of the application, the Commissioner of Public

2 Safety or the commissioner's designee shall inspect the building
or place of assembly to be used for theatrical or motion picture
4 purposes. - If the building complies with all laws and rules,
the commissioner shall issue a license to the person desiring to
6 operate the theatrical or motion picture production in that
building. The fee for a license is ~~\$37.50~~ \$106. All theatrical
8 or motion picture licenses issued expire one year after date of
issue unless sooner revoked. The fees are credited to a special
10 revenue account to defray the expenses of the inspections. Any
balance of those fees does not lapse but must be carried forward
12 as a continuing account to be expended for the same purposes in
the following fiscal years.

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

16 **3. Inspection of storage magazines and vehicles used to**
18 **transport explosives.** All storage magazines and vehicles used to
transport explosives in intrastate commerce must be inspected
20 prior to issuance of a permit. ~~The cost-of-each fee for an~~
inspection ~~of a storage magazine~~ is ~~\$30~~ \$78. ~~The fee for the~~
22 ~~inspection of a vehicle used to transport explosives~~ is ~~\$83~~
~~except that the fee for the inspection of a vehicle used to~~
24 ~~transport fireworks explosives~~ is \$98. Reinspection of storage
magazines and vehicles used to transport explosives must be
26 conducted upon renewal of a permit.

28 **Sec. 6. PL 2001, c. 343** is repealed.

30 **Sec. 7. Special assessment on fire risks.** To provide funds for
the State Fire Marshal, every fire insurance company or
32 association that does business or collects premiums or
assessments in the State shall collect pursuant to this section a
34 special assessment from policyholders of insured fire risks
located in the State.

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

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

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

48 **C.** Must be separately identified on all premium notices;

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

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

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

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

30 **Sec. 8. Retroactivity.** This Act applies retroactively to June
32 1, 2001.

34 **Sec. 9. 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 48 cover increased operating costs.		

50

2 **DEPARTMENT OF PUBLIC SAFETY**
3 **TOTAL**

\$550,171

\$587,536

4 **Emergency clause.** In view of the emergency cited in the
5 preamble, this Act takes effect when approved.
6

8 **FISCAL NOTE**

10 This bill repeals and replaces Public Law 2001, chapter 343
11 which authorized certain fee increases that increased dedicated
12 revenue collected by the Department of Public Safety by \$550,171
13 and \$733,561 in fiscal years 2001-02 and 2002-03, respectively.
14 Public Law 2001, chapter 343 also included additional Other
15 Special Revenue funds allocations of \$550,171 and \$587,536 in
16 fiscal years 2001-02 and 2002-03, respectively.

18 Increasing fire investigation and prevention assessments and
19 fees in this bill will increase dedicated revenue collections.
20 The estimated increases of dedicated revenue to the Office of the
21 State Fire Marshal within the Department of Public Safety are
22 \$550,171 and \$733,561 in fiscal years 2001-02 and 2002-03,
23 respectively.

24 This bill also includes Other Special Revenue funds
25 allocations of \$550,171 and \$587,536 in fiscal years 2001-02 and
26 2002-03, respectively, for the Office of the State Fire Marshal
27 to cover increased operational costs.
28

30 **SUMMARY**

32 This emergency bill does the following.
34

36 1. It increases certain inspection and permit fees
37 collected by the Office of the State Fire Marshal to more
38 accurately reflect the costs associated with those inspections
39 and permits.

40 2. It establishes a one-year special assessment to be
41 collected from policyholders of insured fire risks located in the
42 State. This special assessment is designed to provide operating
43 revenues for the Office of the State Fire Marshal for fiscal year
44 2002.

46 3. It allocates funds to cover increased operating costs in
47 the Office of the State Fire Marshal.

48 4. It repeals Public Law 2001, chapter 343 retroactively.