

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 1177

H.P. 816

House of Representatives, March 25, 2009

An Act To Establish the Maine Emergency Services Institute

Reported by Representative HASKELL of Portland for the Maine Fire Protection Services Commission pursuant to the Maine Revised Statutes, Title 5, section 3371.

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed under Joint Rule 218.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

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

2 Sec. 1. 5 MRSA §12004-C, sub-§8 is enacted to read:

3 8.

4 Board of Directors, Maine Expenses Only 25 MRSA §2603
5 Emergency Services Institute

6 Sec. 2. 25 MRSA §2399, 2nd ¶, as amended by PL 1997, c. 728, §22, is further
7 amended to read:

8 Every fire insurance company or association that does business or collects premiums
9 or assessments in the State shall pay to the State Tax Assessor, in addition to the taxes
10 now imposed by law to be paid by those companies or associations, 1.4% of the gross
11 direct premiums for fire risks written in the State, less the amount of all direct return
12 premiums thereon and all dividends paid to policyholders on direct fire premiums. That
13 tax must be paid as provided for insurance premium taxes as specified in Title 36, section
14 2521-A, except that the tax prescribed by this section must be paid on an estimated basis
15 at the end of each month starting July 31, 1998, with each installment equal to at least
16 1/12 of the estimated total tax to be paid for the current calendar year. The State Tax
17 Assessor shall pay over all receipts from that tax to the Treasurer of State daily. Of these
18 funds 75.7% must be used to defray the expenses incurred by the Commissioner of Public
19 Safety in administering all fire preventive and investigative laws and rules and in
20 educating the public in fire safety and is appropriated for those purposes and to carry out
21 the administration and duties of the Office of the State Fire Marshal. Of these funds
22 24.3% must be used to defray the expenses of the fire training and education program as
23 established in Title 20-A, chapter 319 until June 30, 2014, and beginning July 1, 2014 to
24 support the Maine Emergency Services Institute as established in chapter 323.

25 Sec. 3. 25 MRSA c. 323 is enacted to read:

26 CHAPTER 323

27 MAINE EMERGENCY SERVICES INSTITUTE

28 §2601. Definitions.

29 As used in this chapter, unless the context otherwise indicates, the following terms
30 have the following meanings.

31 1. Board. "Board" means the Board of Directors of the Maine Emergency Services
32 Institute.

33 2. Commission. "Commission" means the Maine Fire Protection Services
34 Commission established pursuant to Title 5, chapter 319.

35 3. Department. "Department" means the Department of Public Safety.

1 **4. First responder.** "First responder" means any person who, in a professional
2 capacity, responds to a fire, emergency management situation, medical emergency or
3 public health emergency.

4 **5. Institute.** "Institute" means the Maine Emergency Services Institute.

5 **§2602. Maine Emergency Services Institute; purpose**

6 There is created within the department the Maine Emergency Services Institute. The
7 purpose of the Maine Emergency Services Institute is to provide core and specialized
8 training for first responders at regional facilities in the State and act as an educational
9 branch for the department.

10 **§2603. Board of directors**

11 **1. Board established; appointments.** The Board of Directors of the Maine
12 Emergency Services Institute, as established by Title 5, section 12004-C, subsection 8,
13 consists of the following 17 members:

14 A. The Director of the Maine Emergency Management Agency within the
15 Department of Defense, Veterans and Emergency Management, or the director's
16 designee;

17 B. The Director of Maine Emergency Medical Services within the department, or the
18 director's designee;

19 C. Two members of the Senate, appointed by the President of the Senate, one of
20 whom must be a member of the commission;

21 D. Three members of the House of Representatives, appointed by the Speaker of the
22 House of Representatives, one of whom must be a member of the commission;

23 E. Six fire chiefs, at least one of whom must be a member of the commission,
24 appointed by the Governor as follows:

25 (1) Two career firefighters who are members of a statewide association of
26 professional firefighters;

27 (2) Two volunteer firefighters who are members of a statewide association of
28 volunteer firefighters; and

29 (3) Two firefighters who represent combination career and volunteer fire
30 departments;

31 F. One county emergency management agency director appointed by an organization
32 representing county emergency management directors;

33 G. Two public health officials appointed by the Governor; and

34 H. One representative of the private sector appointed by the Governor.

35 **2. Terms.** The term of office for members of the board is 4 years and members may
36 be reappointed to the board. Terms of appointment for Legislators coincide with their
37 respective legislative terms of office.

1 3. Vacancies. When a vacancy on the board occurs it must be filled by the same
2 appointing authority and the new member shall serve for the remainder of the term.
3 Members may continue to serve until replacements are appointed or designated.

4 4. Duties. The board shall:

5 A. Appoint the director of the institute;

6 B. Develop a plan for the establishment of regional training facilities for emergency
7 management training in different areas of the State. The plan must include the
8 provision of a central facility and regional facilities that will require no more than one
9 hour of travel time for 90% of first responders in the State. The plan must include
10 site selection, facility planning, design, management and a timeline for being fully
11 operational by December 31, 2014;

12 C. Develop a plan for raising revenue for architectural, engineering, rehabilitation
13 and construction costs of the facilities and management of the institute, including
14 seeking federal funding for initial design and construction costs;

15 D. Develop and oversee training programs for first responders. Programs must
16 include mandatory requirements for firefighters. Other programs offered must
17 include, but are not limited to, emergency planning, public health, hazardous
18 materials response, flammable liquids training, weapons of mass destruction, bomb
19 and arson investigation, homeland security, vehicle fire training, mass casualty and
20 natural gas training;

21 E. Submit legislation to the Legislature to implement recommendations of the board
22 including bond proposals; and

23 F. Develop rules of procedure necessary to carry out its duties. Rules adopted
24 pursuant to this paragraph are routine technical rules as defined in Title 5, chapter
25 375, subchapter 2-A.

26 5. Fund established. The Maine Emergency Services Institute Fund, referred to in
27 this section as "the fund," is established within the institute as a nonlapsing fund from:

28 A. The funding that supports the Maine Fire Training and Education Program
29 pursuant to Title 20-A, chapter 319, which must be transferred to the fund beginning
30 July 1, 2014;

31 B. Funding from an E-9-1-1 surcharge pursuant to section 2927; and

32 C. Any other funds received for the purposes of the institute.

33 **Sec. 4. 25 MRSA §2927, sub-§1-B,** as amended by PL 2007, c. 637, §1, is
34 further amended to read:

35 **1-B. Statewide E-9-1-1 surcharge.** The activities authorized under this chapter are
36 funded through a special statewide E-9-1-1 surcharge levied on each residential and
37 business telephone exchange line, including private branch exchange lines and Centrex
38 lines, cellular or wireless telecommunications service customers, including prepaid
39 wireless telephone service customers, interconnected voice over Internet protocol service
40 customers and semipublic coin and public access lines. The statewide E-9-1-1 surcharge

1 may not be imposed on more than 25 lines or numbers per customer billing account,
2 except that this limitation does not apply to prepaid wireless telephone services. In the
3 case of cellular or wireless telecommunications service customers, the place of residence
4 of those customers must be determined according to the sourcing rules for mobile
5 telecommunications services as set forth in Title 36, section 2556. The statewide E-9-1-1
6 surcharge is ~~30¢~~ 50¢ per month per line or number or, in the case of prepaid wireless
7 telephone services, ~~30¢~~ 50¢ per month or 30-day increment of service per customer. The
8 statewide E-9-1-1 surcharge must be collected from the customer on a monthly basis by
9 each local exchange telephone utility, cellular or wireless telecommunications service
10 provider and interconnected voice over Internet protocol service provider and be shown
11 separately as a statewide E-9-1-1 surcharge on the customer's bill, except that in the case
12 of prepaid wireless telephone service, the collection of the statewide E-9-1-1 surcharge is
13 governed by subsection 1-C.

14 **Sec. 5. 25 MRSA §2927, sub-§3-B** is enacted to read:

15 **3-B. Contribution to Maine Emergency Services Institute.** To assist in the
16 development and operation of the Maine Emergency Services Institute, 20¢ of the
17 surcharge in subsection 1-B must be paid by the bureau from the E-9-1-1 fund to the
18 Maine Emergency Services Institute Fund pursuant to section 2603, subsection 5.

19 **Sec. 6. Staggered terms.** Notwithstanding the Maine Revised Statutes, Title 25,
20 section 2603, subsection 2, the Governor shall initially appoint 3 members of the Board
21 of Directors of the Maine Emergency Services Institute to 3-year terms, 3 members to 2-
22 year terms and the remaining 3 members must be appointed to one-year terms.

23 **SUMMARY**

24 This bill establishes the Maine Emergency Services Institute to provide core and
25 specialized training to first responders in multiple areas related to fire safety, public
26 safety and emergency management. The Board of Directors of the Maine Emergency
27 Services Institute is charged with developing a plan for the physical establishment of
28 institute facilities by December 31, 2014, developing a funding plan including application
29 for federal funds and developing training programs. The institute is partially funded by
30 20¢ from the E-9-1-1 surcharge and the redirection of funding that currently goes to the
31 Maine Fire Training and Education Program.