

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 electronic originals
(may include minor formatting differences from printed original)



131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 274

H.P. 172

House of Representatives, January 26, 2023

An Act Regarding Municipal Costs for Water Used for Firefighting

Reference to the Committee on Health Coverage, Insurance and Financial Services suggested and ordered printed.

Robert B. Hunt
ROBERT B. HUNT
Clerk

Presented by Representative ANKELES of Brunswick.

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

2 **Sec. 1. 24-A MRSA §3044** is enacted to read:

3 **§3044. Coverage for municipal fire costs**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
5 following terms have the following meanings.

6 A. "Actual costs" means the lesser of the amount billed by a water utility for water
7 charges for services rendered and \$3,000.

8 B. "Responsible municipality" means a municipality legally responsible to a water
9 utility for payment of water charges for services rendered.

10 C. "Water utility" has the same meaning as in Title 35-A, section 102, subsection 22.

11 **2. Coverage requirement.** All contracts of property insurance delivered or issued for
12 delivery in this State providing noncommercial coverage for fire losses must include a
13 provision indemnifying a responsible municipality for the actual costs incurred by the
14 responsible municipality attributable to the extinguishment of a fire at the insured property.

15 **3. Multiple responders.** The superintendent shall adopt rules to establish priority of
16 payment in the event that a fire at an insured's property involves more than one responsible
17 municipality. The rules may provide that more than one municipality may recover water
18 charges attributable to the extinguishment of the fire at the insured property; however, the
19 insurer's total liability under the provision required under subsection 2 may not exceed
20 \$3,000 per occurrence. Rules adopted pursuant to this subsection are routine technical rules
21 as defined in Title 5, chapter 375, subchapter 2-A.

22 **Sec. 2. 30-A MRSA §3158** is enacted to read:

23 **§3158. Resident liability for water charges**

24 Notwithstanding any provision of law to the contrary, a municipality may not bill a
25 resident of this State for water charges for services rendered assessed by a water utility, as
26 defined in Title 35-A, section 102, subsection 22, against the municipality and attributable
27 to the extinguishment of a fire at a residential property owned or rented by the resident.
28 Nothing in this section may be construed to prohibit the indemnification of a municipality
29 in accordance with Title 24-A, section 3044.

30 **SUMMARY**

31 This bill requires a property insurance policy delivered or issued for delivery in this
32 State to include a provision for the indemnification of a municipality for the actual costs
33 for water service, not to exceed \$3,000, incurred by the municipality for the water used in
34 connection with extinguishing a fire at an insured's noncommercial property. The bill
35 requires the Superintendent of Insurance to adopt rules governing priority of payment when
36 more than one municipality incurs costs for water service used in connection with
37 extinguishing a fire at an insured's property. The bill also prohibits a municipality from
38 seeking reimbursement from a resident for costs for water service incurred by the
39 municipality for the water used in connection with extinguishing a fire at a property owned
40 or rented by the resident.