

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND TWENTIETH LEGISLATURE**  
**FIRST REGULAR SESSION**  
**December 6, 2000 to June 22, 2001**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 21, 2001**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**2001**

relevant to proper inquiry by the chief, the Attorney General may petition the Superior Court in the county where the refusal occurred to find the witness in contempt. The Attorney General shall cause to be served on that witness an order requiring the witness to appear before the Superior Court to show cause why the witness should not be adjudged in contempt. The court shall, in a summary manner, hear the evidence and, if it is such as to warrant the court in doing so, punish that witness in the same manner and to the same extent as for contempt committed before the Superior Court or with reference to the process of the Superior Court.

**2. Licensing actions after notice and opportunity for hearing.** The Chief of the State Police ~~must~~ shall notify the applicant or licensee in writing, before a license is denied, suspended or revoked ~~and after notice of the opportunity for a hearing~~, pursuant to subsection 1, paragraph B, of the intended denial or commencement date of the suspension or revocation, which may not be made any sooner than 96 hours after the licensee's receipt of the notice, of the duration of the suspension or revocation and of the right to a hearing pursuant to this subsection. The applicant or licensee has the right to request a hearing before the Commissioner of Public Safety or the commissioner's designee. Upon the applicant's or licensee's request for a hearing, the Commissioner of Public Safety shall provide a hearing. The hearing must comply with the Maine Administrative Procedure Act. The purpose of the hearing is to determine whether a preponderance of the evidence establishes that the applicant, applicant's agent or employee, licensee or ~~the~~ licensee's agent or employee violated a provision of this chapter or Title 17-A, chapter 39. A request for a hearing may not be made any later than 10 days after the applicant or licensee is notified of the proposed denial, suspension or revocation. The suspension or revocation must be stayed pending the hearing; the hearing may not be held any later than 30 days after the date the commissioner receives the request unless otherwise agreed by the parties or continued upon request of a party for cause shown.

**3. Immediate suspension or revocation.** A licensee whose license is immediately suspended or revoked by the Chief of the State Police pursuant to subsection 1, paragraph C must be notified in writing of the duration of the suspension or revocation and the licensee's right to request a hearing before the Commissioner of Public Safety or the commissioner's designee. Upon the licensee's request for a hearing, the Commissioner of Public Safety shall provide a hearing. The hearing must comply with the Maine Administrative Procedure Act. The purpose of the hearing is to determine whether a preponderance of the evidence establishes that the licensee or the licensee's agent or employee violated section 332,

subsection 3-A or 3-B, paragraph C or a provision of Title 17-A, chapter 39. A request for a hearing may not be made any later than 48 hours after the licensee is notified of the suspension or revocation. A hearing may not be held any later than 10 days after the date the commissioner receives the request.

See title page for effective date.

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## CHAPTER 343

### S.P. 418 - L.D. 1362

#### **An Act to Provide Funding for the Office of the State Fire Marshal and to Increase Certain Fire Inspection Fees**

**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,

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

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

**5. Fee.** The fee for a dancing license is ~~\$15~~ \$117. 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.

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

**3. Fees.** The fee for a permit is \$30 per display and the fee for a site inspection is ~~\$45~~ \$111.

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

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

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

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

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. ~~τ~~ 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 fee for a license is ~~\$37.50~~ \$106. All theatrical or motion picture licenses issued expire one year after date of issue unless sooner revoked. The fees are credited to a special revenue account to defray the expenses of the inspections. Any balance of those fees does not lapse but must be carried forward as a continuing account to be expended for the same purposes in the following fiscal years.

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

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

**Sec. 6. Special assessment on fire risks.** To provide funds for the State Fire Marshal, every fire insurance company or 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.

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

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

B. Must be equal to 0.4% of the gross direct premiums for fire risks written in the State, less

the amount of all direct return premiums thereon and all dividends paid to policyholders on direct fire premiums;

C. Must be separately identified on all premium notices;

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

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

F. Must be paid as provided for insurance premium taxes as specified in Title 36, section 2521-A, except that the assessment must be paid on an 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.

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

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

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

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

Effective June 1, 2001.

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## CHAPTER 344

H.P. 1212 - L.D. 1644

### An Act to Amend and Improve Education Laws

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

**Sec. 1. 5 MRSA §937, sub-§1, ¶F**, as repealed and replaced by PL 1995, c. 465, Pt. A, §6, is amended to read:

F. Director, Planning and Management Information; and

**Sec. 2. 5 MRSA §937, sub-§1, ¶G**, as amended by PL 1995, c. 560, Pt. F, §2, is repealed.

**Sec. 3. 20-A MRSA §203, sub-§1, ¶F**, as amended by PL 1989, c. 414, §3, is further amended to read:

F. Director, Planning and Management Information; and

**Sec. 4. 20-A MRSA §203, sub-§1, ¶G**, as amended by PL 1995, c. 560, Pt. F, §9, is repealed.

**Sec. 5. 20-A MRSA §5401, sub-§15, ¶A**, as amended by PL 1985, c. 781, is further amended to read:

A. The commissioner may not approve, in one year, more than \$5,000,000 in expenditures for school bus purchases, excluding bus purchases made in accordance with paragraph C of this subsection. Annually, the Legislature shall review this limitation.

**Sec. 6. 20-A MRSA §5401, sub-§15, ¶C**, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

C. A school board may obtain a short-term loan or a lease-purchase to purchase acquire school buses if it is approved by the unit's legislative body. The term of a loan or a lease-purchase may not exceed 3 years, except in a community school district a loan during the district's first year of operation may not exceed 5 years. The commissioner shall establish a maximum amount for annual-term purchases in excess of the amount established in paragraph A. Beginning

in fiscal year 2003-04, these expenditures must be subsidized in accordance with section 15603, subsection 26-A.

**Sec. 7. 20-A MRSA §6051, sub-§1, ¶E**, as corrected by RR 1993, c. 1, §45, is amended to read:

E. A determination as to whether the school administrative unit has complied with applicable provisions of the School Finance Act of 1985 and the School Finance Act of 1995; and

**Sec. 8. 20-A MRSA §6051, sub-§4**, as repealed and replaced by PL 1985, c. 797, §36, is amended to read:

**4. Initial report to commissioner.** On or before December 1st, the school board shall provide the commissioner with:

~~A. A copy of the audit; and~~

~~B. Written assurance that the audit has been conducted in accordance with applicable state and federal law relating to financial and compliance audits.~~

C. Written determination of whether or not proper budgetary controls are in place;

D. A written determination of whether or not the annual financial report submitted to the department is correct, including submission of an audited reconciliation of the annual financial report prepared and certified by the auditor; and

E. A written determination as to whether the school administrative unit has complied with applicable provisions of the School Finance Act of 1985 and the School Finance Act of 1995.

**Sec. 9. 20-A MRSA §6051, sub-§6** is enacted to read:

**6. Report to commissioner.** Within 9 months after the end of the audit period, the school board shall provide the commissioner with:

A. A copy of the audit report;

B. Accountability of all revenues and expenditures;

C. Written assurance that the audit has been conducted in accordance with applicable state and federal laws relating to financial and compliance audits; and

D. Any other information that the commissioner may require.