

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
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J.S. McCarthy Company
Augusta, Maine
2001

CHAPTER 437

H.P. 1368 - L.D. 1825

**An Act Providing 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 ~~\$15~~ \$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 ~~a~~ 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. - 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. PL 2001, c. 343 is repealed.

Sec. 7. 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. 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;

D. Except as provided in paragraph C 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

E. 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. Notification. A fire insurance company or association subject to this section shall notify each policyholder that the premium includes a special assessment to provide funding for the State Fire Marshal. This notification must accompany the premium notice.

3. 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. 8. Retroactivity. This Act applies retroactively to June 1, 2001.

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 cover increased operating costs.		
DEPARTMENT OF PUBLIC SAFETY		
TOTAL	\$550,171	\$587,536

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

Effective June 20, 2001.

CHAPTER 438

H.P. 1381 - L.D. 1829

An Act to Fund the Collective Bargaining Agreements and Benefits of Employees Covered by Collective Bargaining and for Certain Employees Excluded from Collective Bargaining

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

Whereas, certain obligations and expenses incident to the operation of state collective bargaining agreements will become due and payable immediately; and

Whereas, it is the responsibility of the Legislature to act upon those portions of collective bargaining agreements negotiated by the executive branch and the judicial branch that require legislative action; and

Whereas, the Governor and the Legislature share a desire to address in a timely manner the needs of certain state employees excluded from collective bargaining units; 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:

PART A

Sec. A-1. Costs to General Fund. Costs to the General Fund must be provided in the Salary Plan program, referred to in Part C, section 1 of this Act, in the amount of \$9,882,391 for the fiscal year ending June 30, 2002 and in the amount of \$16,514,688 for the fiscal year ending June 30, 2003 to implement the economic terms of the collective bargaining agreements, including market and pay equity adjustments and benefits, made between the State and the Maine State Employees Association and the Maine State Troopers Association and, notwithstanding the Maine Revised Statutes, Title 26, section 979-D, subsection