

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

SECOND REGULAR SESSION
January 2, 2002 to April 25, 2002

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 25, 2002

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

J.S. McCarthy Company
Augusta, Maine
2002

for the limited purpose of carrying out the requirements of this Act until such time as the transfer of assets and obligations is complete. After filing the certificate with the Secretary of State, the clerk of the City of Brewer shall submit legislation to repeal Private and Special Law 1909, chapter 265 and Private and Special Law 1945, chapter 146, as amended. The legislation may include any necessary amendments or additions to this Act to allow the City of Brewer to provide adequate water service in accordance with this Act.

Sec. 10. Referendum; effective date. In view of the emergency cited in the preamble, this Act takes effect when approved only for the purpose of permitting its submission to the legal voters of the City of Brewer at the next regular town election to be held on June 11, 2002 or at a special election called and held for the purpose not later than December 31, 2002. The election must be called, advertised and conducted according to the law relating to municipal elections, except that the registrar of voters of the City of Brewer is not required to prepare nor the clerk to post a new list of voters. For the purpose of registration of voters, the registrar of voters in the City of Brewer must be in session the secular day next preceding the election. The subject matter of this Act must be reduced to the following question:

"Do you favor the dissolution of the Brewer Water District and the transfer of the district's assets to the City of Brewer?"

The voters shall indicate by a cross or check mark placed against the word "Yes" or "No" their opinion of the same.

The results must be declared by the municipal officers of the City of Brewer and due certification of the results filed by the city clerk with the Secretary of State.

This Act takes effect for all purposes immediately upon acceptance by a majority of the legal voters voting in the election only if the total number of votes cast for and against the acceptance of this Act equals or exceeds 15% of the total vote for candidates for Governor cast in the City of Brewer at the next preceding gubernatorial election, but failure of approval by the necessary percentage of voters at any election does not prohibit a subsequent election or elections to be held for the purpose on or before December 31, 2002.

Effective pending referendum.

CHAPTER 67

H.P. 1704 - L.D. 2201

An Act to Provide Funding for the Office of the State Fire Marshal and the Maine Fire Training and Education Program

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 curtailment of staff and services of the Office of the State Fire Marshal and the Maine Fire Training and Education Program; 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. Special assessment on fire risks.

To provide funds for the State Fire Marshal and the Maine Fire Training and Education Program, 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, 2002 and prior to July 1, 2003;
- B. Must be equal to 0.6% 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 part of the premium as defined in Title 24-A, section 2403;

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, 2002 and ending June 30, 2003, with each installment equal to at least 1/12 of the estimated total assessment for the fiscal year that begins July 1, 2002; and

F. Must end prior to June 30, 2003 if the assessment generates revenues of \$983,000 before that date. The State Tax Assessor shall immediately notify carriers of the termination of the assessment.

2. Credit. Beginning July 1, 2003, every fire insurance company or association that does business or collects premiums or assessments in the State that paid the special assessment in section 1 after July 1, 2002 may take a credit against its premium tax owed under Title 36, chapter 357 equal to the special assessment paid in the same month the previous year.

Sec. 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 of which 75.7% must be used 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. Of the funds, 24.3% must be used to defray the expenses of the Maine Fire Training and Education Program established in the Maine Revised Statutes, Title 20-A, chapter 319. The Department of Public Safety may apply for any available grants and accept any gifts, grants or donations to assist in developing and maintaining the fund.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

PUBLIC SAFETY, DEPARTMENT OF

Office of the State Fire Marshal

Initiative: Allocates funds for additional salary and operating costs.

Other Special Revenue Funds	2001-02	2002-03
Personal Services	\$0	\$375,011
All Other	0	228,630
Capital Expenditures	0	140,500
Total	\$0	\$744,141

PUBLIC SAFETY, DEPARTMENT OF

DEPARTMENT TOTALS	2001-02	2002-03
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OTHER SPECIAL REVENUE FUNDS	\$0	\$744,141
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DEPARTMENT TOTAL - ALL FUNDS	\$0	\$744,141
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TECHNICAL COLLEGE SYSTEM, BOARD OF TRUSTEES OF THE MAINE

Board of Trustees of the Maine Technical College System

Initiative: Allocates funds for the Maine Fire Training and Education program.

Other Special Revenue Funds	2001-02	2002-03
All Other	\$0	\$238,859
Total	\$0	\$238,859

TECHNICAL COLLEGE SYSTEM, BOARD OF TRUSTEES OF THE MAINE

DEPARTMENT TOTALS	2001-02	2002-03
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OTHER SPECIAL REVENUE FUNDS	\$0	\$238,859
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DEPARTMENT TOTAL - ALL FUNDS	\$0	\$238,859
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SECTION TOTALS	2001-02	2002-03
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OTHER SPECIAL REVENUE FUNDS	\$0	\$983,000
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SECTION TOTAL - ALL FUNDS	\$0	\$983,000
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Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective April 8, 2002.

CHAPTER 68

H.P. 1719 - L.D. 2207

An Act to Amend the Charter of the Winterport Water District

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

Whereas, the Winterport Water District urgently needs to increase its borrowing capacity to meet the needs of the district; 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,