

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Establish the Maine Emergency Services Institute

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

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

8.

Expenses Only 25 MRSA §2603

Board of Directors, Maine
Emergency Services Institute

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

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

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

CHAPTER 323

maine emergency services institute

§ 2601. Definitions

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

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

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

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

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

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

§ 2602. Maine Emergency Services Institute; purpose

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

§ 2603. Board of directors

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. Duties. The board shall:

A. Appoint the director of the institute;

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

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

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

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

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

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

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

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

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

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

1-B. Statewide E-9-1-1 surcharge. The activities authorized under this chapter are funded through a special statewide E-9-1-1 surcharge levied on each residential and business telephone exchange line, including private branch exchange lines and Centrex lines, cellular or wireless telecommunications service customers, including prepaid wireless telephone service customers, interconnected voice over Internet protocol service customers and semipublic coin and public access lines. The statewide E-9-1-1 surcharge may not be imposed on more than 25 lines or numbers per customer billing account, except that this limitation does not apply to prepaid wireless telephone services. In the case of cellular or wireless telecommunications service customers, the place of residence of those customers must be determined according to the sourcing rules for mobile telecommunications services as set forth in Title 36, section 2556. The statewide E-9-1-1 surcharge is ~~30¢~~50¢ per month per line or number or, in the case of prepaid wireless telephone services, ~~30¢~~50¢ per month or 30-day increment of service per customer. The statewide E-9-1-1 surcharge must be collected from the customer on a monthly basis by each local exchange telephone utility, cellular or wireless telecommunications service provider and interconnected voice over Internet protocol service provider and be shown separately as a statewide E-9-1-1 surcharge on the customer's bill, except that in the case of prepaid wireless telephone service, the collection of the statewide E-9-1-1 surcharge is governed by subsection 1-C.

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

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

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

SUMMARY

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