



# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 724

S.P. 254

In Senate, March 5, 2015

### **An Act To Authorize Municipal Fire Districts To Impose Service Charges**

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Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Secretary of the Senate

Presented by Senator SAVIELLO of Franklin.  
Cosponsored by Senator: DAVIS of Piscataquis.

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

2 **Sec. 1. 30-A MRSA §3158** is enacted to read:

3 **§3158. Municipal fire districts**

4 **1. Ordinance.** A municipal legislative body may enact an ordinance to create a  
5 municipal fire district within the municipality either as part of or independently from a  
6 fire district established pursuant to chapter 164, referred to in this section as "a multi-  
7 municipal fire district."

8 A. A municipal fire district established pursuant to this section, if independent from  
9 a multi-municipal fire district, may contain all or part of the municipality.

10 B. A municipal fire district established pursuant to this section by a municipality that  
11 is a member of a multi-municipal fire district must encompass the entire municipality.  
12 The financial administration of such a municipal fire district is governed by  
13 subsection 5.

14 **2. Service charges.** A municipal fire district ordinance under subsection 1 must  
15 establish service charges for fire protection within the municipal fire district based on an  
16 estimate of the cost of providing the services in the same manner as those costs are  
17 estimated pursuant to section 3537. The service charges must be levied against all  
18 property owners or parties in possession of property within the municipal fire district,  
19 including institutions and organizations otherwise exempt from taxation under Title 36,  
20 sections 651 and 652. Unless otherwise established by ordinance, the service charges to  
21 each owner or person in possession of property within the municipal fire district must be  
22 established on the basis of a fee per square foot of building determined by dividing the  
23 estimated total cost of providing fire services to the district by the total square footage of  
24 all built properties within the district. Any alternative to this method of calculation as  
25 established by ordinance must be reasonably designed to more accurately reflect the  
26 distribution of fire protection costs among different types and uses of properties within  
27 the municipal fire district. With respect to the calculation and levy of service charges,  
28 appeals must be made in accordance with an appeals process provided by municipal  
29 ordinance.

30 **3. Unpaid service charges; collection.** The collection of unpaid service charges  
31 levied pursuant to subsection 2 must be carried out in the same manner as provided in  
32 Title 38, section 1208.

33 **4. Revenues; use.** Municipalities must use the revenues accrued from service  
34 charges levied pursuant to subsection 2 to fund the cost of fire protection.

35 **5. Participation by municipality in multi-municipal fire district.** A municipality  
36 that is a member of a multi-municipal fire district that elects to create a municipal fire  
37 district to cover the costs of the municipal fire district is governed by this section, except  
38 as provided in this subsection.

39 A. The municipality may participate in the funding of the multi-municipal fire  
40 district as provided in chapter 164.

1 B. The municipality may participate in the funding of the multi-municipal fire  
2 district by establishing a service charge for fire protection within the municipal fire  
3 district. The service charge must be based on an estimate of the cost of providing the  
4 services in the same manner as those costs are estimated pursuant to section 3537.

5 C. The municipality must collect the service charges authorized by this section to  
6 cover the municipality's allocation to the multi-municipal fire district as provided in  
7 section 3537, subsection 3, but failure of a property owner or party in possession to  
8 pay such charges to the municipality does not alter a municipality's duty to remit full  
9 payment of its allocation to the multi-municipal fire district.

10 D. In the event a property owner or party in possession of property fails to pay its  
11 service charge to the municipality, the municipality may collect the service charges as  
12 provided in subsection 3.

13 **Sec. 2. 30-A MRSA §3538**, as enacted by PL 1997, c. 698, §2, is amended to  
14 read:

15 **§3538. Warrant for taxes; service charges**

16 **1. Warrant.** The directors shall issue their warrant in the same form as the warrant  
17 of the Treasurer of State for taxes, with proper changes, to the assessors of the  
18 municipalities comprising the district. The warrant must require the municipalities to  
19 assess the sum allocated to each municipality for payment of the costs of the district upon  
20 the taxable estates within those municipalities ~~and to~~ or in accordance with a municipal  
21 fire district ordinance enacted by a municipality pursuant to section 3158. The  
22 municipalities must commit their assessment to the constable or collector of the  
23 municipalities. The constable or collector has all the authority and powers to collect  
24 these taxes as is vested by law to collect state, county and municipal taxes. Within 30  
25 days after the date fixed by the municipality on which its taxes are due, the treasurer of  
26 the municipality shall pay the amount of the tax assessed under this section to the  
27 treasurer of the district.

28 **2. Failure to pay.** If the treasurer of a municipality fails to pay the sum assessed  
29 under this section, or fails to pay any part of the sum by the date set in the year in which  
30 the tax or service charge is levied, the treasurer of the district may issue a warrant for the  
31 amount of the tax or service charge, or so much of the tax ~~as~~ or service charge that  
32 remains unpaid, to the sheriff of the appropriate county, requiring the sheriff to levy the  
33 tax or service charge by distress and sale on real and personal property of any of the  
34 inhabitants of the municipality. The sheriff or a deputy shall execute the warrant.

35 **SUMMARY**

36 This bill authorizes municipalities to create by ordinance municipal fire districts that  
37 may charge service charges for fire protection. The bill also authorizes municipalities to  
38 collect service charge revenue, as an alternative to property tax revenue, for the purpose  
39 of financing multi-municipal fire districts.