

**Working Group to Develop Solutions to Meet the Needs for Municipal  
Volunteer Personnel - (Established by Resolve 2015, chapter 49)**

**Meeting #1, Tuesday, October 20, 2015, 9:30 am**

**Room 209, Cross State Office Building, Augusta**

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**Page 5:** Email from Rick Bronson, Baileyville Town Manager, dated October 14, 2015

**Page 6:** Email from Geoffrey Maker, Maine State Federation of Firefighters, dated October 8, 2015

**Page 7:** LD 500 and fiscal note. LD 500 was not enacted as presented. LD 500 is the bill from which Resolve 2015, chapter 49 was passed.

**Page 10:** Public Law 2015, chapter 352 and fiscal note, enacting Maine Length of Service Award Program

**Page 19:** LD 164. LD 164 was not enacted as presented. LD 164 is the bill from which Public Law 2015, chapter 352 was enacted.

**Page 30:** LD 301 and fiscal note. LD 301 was not enacted. The House accepted the majority Ought to Pass report. The Senate accepted the minority Ought Not to Pass report. The bill died in non-concurrence.

**Page 33:** LD 655, Resolve, To Study the Feasibility of a State Firefighter Training Facility, sponsored by Rep Lajoie, carried over from 127<sup>th</sup> First Regular Session to 127<sup>th</sup> Second Regular Session.

**Future meeting dates: Tuesday, November 3 and Tuesday, November 17  
9:30am, Room 209, Cross Office Building, Augusta**



## AGENDA

### Working Group to Develop Solutions to Meet the Needs for Municipal Volunteer Personnel - (Established by Resolve 2015, chapter 49)

Meeting #1, Tuesday, October 20, 2015, 9:30am

Room 209, Cross State Office Building, Augusta

▪ Welcome

*Senator Linda Baker, Senate Chair*

*Representative Michel Lajoie, House Chair*

▪ Introduction of members of the Working Group to Develop Solutions to Meet the Needs for Municipal Volunteer Personnel

*Senator Linda Baker, Senate Chair*

*Representative Michel Lajoie, House Chair*

▪ Review of Resolve 2015, chapter 49 establishing the Working Group to Develop Solutions to Meet the Needs for Municipal Volunteer Personnel

*Deirdre Schneider, Legislative Analyst, Office of Policy and Legal Analysis*

▪ Discussion of municipal volunteer recruitment, training and retention: Challenges, opportunities, initiatives and ideas

*10:30am - Chief Brian Stockdale, Topsham Fire and Rescue Department*

*Chief Nathan Schools, Buxton Fire and Rescue Department*

*Chief Kenneth Brilliant, Brunswick Fire Department*

*Chief James Totman, Phippsburg Volunteer Fire and Rescue*

▪ Public comment period

▪ Review of procedures for working group members

*Jane Orbeton, Legislative Analyst, Office of Policy and Legal Analysis*

▪ Discussion of information to be requested for the November 3<sup>rd</sup> meeting

**Future meeting dates: Tuesday, November 3 and Tuesday, November 17  
9:30am, Room 209, Cross Office Building, Augusta**

# Working Group to Develop Solutions to Meet the Needs for Municipal Volunteer Personnel

Resolve 2015, c. 49

Wednesday, October 7, 2015

## Appointment(s) by the President

**Sen. Linda L. Baker - Chair**  
1 Homeplace  
Topsham, ME 04086

Member of Senate

**William Gillespie**  
Box 46  
Liberty, ME 04949-0046  
542-2794

Chief of a volunteer fire department

**Anthony Russo**  
11 N. Ridge Rd.  
W. Gardiner, ME 04345  
207 778-1910

Representative from the Maine State Federation of  
Firefighters

## Appointment(s) by the Speaker

**Rep. Michael Lajoie - Chair**  
279 Old Greene Rd.  
Lewiston, ME 04240

2 Members of the House of Repr. One from the party with  
the greatest number of members and one from the party  
with the 2nd greatest number of members

**Rep. Timothy S. Theriault**  
1210 Lakeview Dr.  
China, ME 04358

2 Members of the House of Repr. One from the party with  
the greatest number of members and one from the party  
with the 2nd greatest number of members

**Michael Barker**  
25 Riverview Drive  
North Berwick, ME 03906  
451-3449

Volunteer firefighter or emergency responder who may be  
active or nonactive

**Jeffery Cammack**  
39 Hurd Point Road  
Dedham, ME 04429  
735-4081

Representative from the Maine Fire Chiefs' Association

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## Staff:

Jane Orbeton

Deirdre Schneider

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND FIFTEEN

H.P. 339 - L.D. 500

**Resolve, To Create a Working Group To Develop Solutions To Meet the  
Needs for Municipal Volunteer Personnel**

**Sec. 1. Municipal Volunteer Working Group established. Resolved:** That the Municipal Volunteer Working Group, referred to in this resolve as "the working group," is established; and be it further

**Sec. 2. Working group membership. Resolved:** That the working group consists of 7 members appointed as follows:

1. One member of the Senate, appointed by the President of the Senate;
2. Two members of the House of Representatives, appointed by the Speaker of the House, one of whom is from the party with the greatest number of members and one of whom is from the party with the 2nd greatest number of members;
3. One representative from the Maine State Federation of Firefighters, appointed by the President of the Senate;
4. One volunteer firefighter or emergency responder who may be active or nonactive, appointed by the Speaker of the House;
5. One chief of a volunteer fire department, appointed by the President of the Senate; and
6. One representative from the Maine Fire Chiefs' Association, appointed by the Speaker of the House; and be it further

**Sec. 3. Chairs. Resolved:** That the Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the working group; and be it further

**Sec. 4. Appointments; convening of working group. Resolved:** That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members,

the chairs shall call and convene the first meeting of the working group. If 30 days or more after the effective date of this resolve a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the working group to meet and conduct its business; and be it further

**Sec. 5. Meetings; duties. Resolved:** That the working group shall meet 3 times in order to find solutions to the recruitment, training and retention problems facing volunteer fire departments and volunteer emergency medical services providers in Maine.

The working group shall solicit input from municipalities with volunteer fire departments and volunteer emergency medical services, volunteer firefighters and volunteer emergency medical services providers and members of the public. The working group shall identify the reasons for recruitment, training and retention problems and recommend solutions; and be it further

**Sec. 6. Staff assistance. Resolved:** That the Legislative Council shall provide necessary staffing services to the working group; and be it further

**Sec. 7. Report. Resolved:** That, no later than December 2, 2015, the working group shall submit a report that includes its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Criminal Justice and Public Safety. The committee may submit legislation related to the report to the Second Regular Session of the 127th Legislature.

## Orbeton, Jane

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**From:** Town Manager <townmanager@baileyville.org>  
**Sent:** Wednesday, October 14, 2015 4:54 PM  
**To:** Orbeton, Jane; deirde.schneider@legislature.maine.gov  
**Subject:** Volunteers for fire and EMS

10/14/15

Dear legislators,

After many years in the fire service and now as a town manager I have ideas regarding volunteers for both fire and EMS.

My first thought is just pay them, maybe not on any full time basis but for hours on calls and training. I think we might all be a bit surprised how little money would motivate some people to do more. A well administered program should work. A poorly administered program will just cause more troubles.

My second idea is that we should be combining departments so that they cover bigger geographic areas in place of attempting to have 400 fire departments statewide. We not only lack responders but we also greatly lack real fire chiefs who can (and will) motivate their people. Most of that is done in training. If the chief can't do the training then get a new chief.

A good chief, even if he / she must take responsibility for a larger service area, who does the training, thus he knows the personnel, could lead much more successful operations. Regional fire chiefs who can motivate the personnel could then be supported by lower ranking officers who could support the chief. I really think any real improvement begins at the top.

I also suggest that towns need to put money into on-call personnel as opposed to more fire trucks; there are already too many fire trucks in Maine and America. We need personnel to operate what we have not more trucks to park along the roadside during incidents.

I have more ideas but this is a starting place. I would be happy to join the group but it may be a bit difficult. I am in Baileyville so that means a 3 hour drive to Augusta and a three hour return. I'm not saying there is no way I could do it but we all should think about how valuable I might or might not be.

Rick Bronson  
37 years at Brewer Fire, 11 as Chief  
Town Manager  
Baileyville

Orbeton, Jane

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**From:** Geoffrey Maker <msffftreasurer@gmail.com>  
**Sent:** Thursday, October 08, 2015 9:13 PM  
**To:** Susan Pinette  
**Cc:** Alex McPhedran; Arsenault, John; Brooks, Chief Dan; Fitzgerald, Bruce; Bunker, Stephan; Charles Soltan; Chief Kevin Guimond; Chief Michael Thurlow; David Dutremble; White, Drexell R; Gay, Gerry; Greeley, Steven L; Green (2), Ron; Green, Ron; Jeffrey Cammack; Jim Graves; Thomas, Joseph E; Joseph Guyotte; LaJoie, Michel; Larry Willis; Maker, Geoffrey; Gomes, Matt; Norris, Harty (2); Peter Rines; Fowle, Lori; Theriault, Timothy; Senator Scott Cyrway; StGermain, Shaun A; Vicki Schmidt  
**Subject:** Re: FW: Working Group to Develop Solutions to Meet the Needs of Municipal Volunteer Personnel, Resolve, 2015, chapter 49

Good Evening, to ALL:

Would not this "working group" be a proper venue from which to **devise and introduce funding mechanisms in support of the "Maine LOSAP Program"** legislation about to become law next week --Oct. 15, 2015 - as one of the possible solutions to the recruitment, training and retention problems facing volunteer fire departments and volunteer emergency medical services providers in Maine

Thank you, all, for your thoughts and efforts in this regard.

Jeff Maker

On Thu, Oct 8, 2015 at 12:50 AM, Susan Pinette <[susanpinette@comcast.net](mailto:susanpinette@comcast.net)> wrote:

Fire Commission Members-

FYI- A letter to interested parties regarding the Working Group to Meet the Needs of Municipal Volunteer Personnel.

Susan

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**From:** Orbeton, Jane [<mailto:Jane.Orbeton@legislature.maine.gov>]  
**Sent:** Wednesday, October 07, 2015 4:30 PM  
**To:** '[susanpinette@comcast.net](mailto:susanpinette@comcast.net)'; '[shaun.stgermain@maine.gov](mailto:shaun.stgermain@maine.gov)'; '[kgillis@nhdlaw.com](mailto:kgillis@nhdlaw.com)'; Gore, Peter; '[mbourque@memic.com](mailto:mbourque@memic.com)'; '[billiv@maine.rr.com](mailto:billiv@maine.rr.com)'; '[gherman@memun.org](mailto:gherman@memun.org)'; '[gcorbin@memun.org](mailto:gcorbin@memun.org)'; Evangelos, Jeffrey; Johnson, Christopher  
**Cc:** Lajoie, Michel; Baker, Linda; '[lbakerbasket@yahoo.com](mailto:lbakerbasket@yahoo.com)'; Schneider, Deirdre  
**Subject:** Working Group to Develop Solutions to Meet the Needs of Municipal Volunteer Personnel, Resolve, 2015, chapter 49



# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 500

H.P. 339

House of Representatives, February 24, 2015

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### An Act To Support Municipal Volunteers

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Reference to the Committee on Taxation suggested and ordered printed.

A handwritten signature in cursive script that reads "R. B. Hunt".

ROBERT B. HUNT

Clerk

Presented by Speaker EVES of North Berwick.

Cosponsored by Representative THERIAULT of China, Senator DUTREMBLE of York and Representatives: GOLDEN of Lewiston, LAJOIE of Lewiston, LONG of Sherman, MAKER of Calais, SHAW of Standish, STANLEY of Medway, TIMBERLAKE of Turner, Senator: BAKER of Sagadahoc.

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

2 Sec. 1. 36 MRSA §6232, sub-§1-A, as enacted by PL 2007, c. 635, §2, is  
3 amended to read:

4 1-A. Volunteer program. A municipality may by ordinance adopt a program that  
5 permits claimants who are at least 60 years of age or who are volunteer firefighters as  
6 defined in Title 30-A, section 3151, subsection 4 or emergency medical services persons  
7 as defined in Title 32, section 83, subsection 12 who receive no compensation from the  
8 municipality other than injury or death benefits to earn benefits up to a maximum of \$750  
9 by volunteering to provide services to the municipality. A program adopted under this  
10 subsection does not need to meet the requirements of subsection 1, paragraph B or C.  
11 Benefits provided under this subsection must be related to the amount of volunteer  
12 service provided. Benefits received under this subsection may not be considered income  
13 for purposes of Part 8. A municipality may by ordinance establish procedures and  
14 additional standards of eligibility for a program adopted under this subsection.

15

#### SUMMARY

16 This bill authorizes municipalities to provide benefits of up to \$750 for persons who  
17 serve as volunteer firefighters or volunteer emergency medical services personnel.



# 127th MAINE LEGISLATURE

LD 500

LR 46(07)

Resolve, To Create a Working Group To Develop Solutions To Meet the Needs for Municipal Volunteer Personnel

Fiscal Note for Bill as Engrossed with:

C "A" (H-376)

H "A" (H-418) to C "A" (H-376)

S "A" (S-333) to C "A" (H-376)

Committee: Taxation

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## Fiscal Note

### Legislative Costs/Study

#### Legislative Cost/Study

The general operating expenses of this study are projected to be \$1,375 in fiscal year 2015-16. The Legislature's proposed budget includes \$10,000 in fiscal year 2015-16 for legislative studies. Whether this amount is sufficient to fund all studies will depend on the number of studies authorized by the Legislative Council and the Legislature. The additional costs of providing staffing assistance to the study during the interim can be absorbed utilizing existing budgeted staff resources.

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND FIFTEEN

H.P. 122 - L.D. 164

An Act To Establish the Maine Length of Service Award Program

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

Sec. 1. 5 MRSA §3372 is enacted to read:

§3372. Maine Length of Service Award Program

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Accrued service award" means the total value, as of a given date, of a participant's program account.

B. "Board" means the Maine Length of Service Award Program Board of Trustees.

C. "Bona fide volunteer" has the same meaning as in the United States Internal Revenue Code, Section 457(e)(11).

D. "Eligible volunteer" means a bona fide volunteer performing qualified services in a municipal fire department if that bona fide volunteer is:

(1) A firefighter who is an active part-time or on-call member of a municipal fire department or a volunteer firefighter; or

(2) An emergency medical services person who provides on-call, part-time or volunteer emergency medical treatment under the direction of the chief of a municipal fire department and who is duly licensed under rules and protocols established by the Emergency Medical Services' Board pursuant to Title 32, section 88.

E. "Emergency medical services person" means any person who routinely provides emergency medical treatment to the sick or injured.

F. "Emergency medical treatment" has the same meaning as in Title 32, section 83, subsection 13.

G. "Municipal fire department" has the same meaning as in Title 30-A, section 3151, subsection 1.

H. "Participant" means a person who participates in the program.

I. "Program" means the Maine Length of Service Award Program established in subsection 2.

J. "Program account" means a separate account maintained for each participant reflecting applicable contributions, applicable forfeitures, investment income or loss as well as administrative and investment expenses allocated to each participant and distributions paid from the account.

K. "Program trust fund" means a trust fund established by the board into which all contributions to the program are deposited.

L. "Qualified services" has the same meaning as in the United States Internal Revenue Code, Section 457(e)(11).

M. "Volunteer firefighter" has the same meaning as in Title 30-A, section 3151, subsection 4.

2. Program established. The Maine Length of Service Award Program is established to provide paid length of service awards to eligible volunteers. The program is administered by the board as set out in this section.

3. Board of trustees. The following provisions govern the Maine Length of Service Award Program Board of Trustees, which is established to oversee the program.

A. The board, as established in section 12004-G, subsection 30-E, is composed of 7 trustees, as follows:

(1) Four persons who are eligible volunteers, appointed by the Governor. Three of the persons appointed under this subparagraph must be selected from a list of 6 nominees submitted by a statewide federation of firefighters;

(2) A chief of a municipal fire department, appointed by the Governor and selected from a list of 3 nominees submitted by a statewide association of fire chiefs;

(3) A person who is qualified through training or experience in the field of investments, accounting, banking or insurance or who is an actuary, appointed by the Governor; and

(4) A person designated by a statewide municipal association.

B. The board shall elect from its membership a chair.

C. The terms of the trustees are determined as follows.

(1) Each trustee serves a term of 3 years.

(2) A trustee continues to serve after the expiration of that trustee's term until a successor is appointed and qualified, but the trustee's continuation as a trustee does not change the expiration date of the trustee's term.

(3) The term of a trustee appointed to succeed a trustee whose term has expired begins on the day after the expiration date of the 3-year term of the previous trustee, regardless of the effective date of the new appointment.

(4) An appointment to any vacancy caused by death, resignation or ineligibility is for the unexpired portion of the term.

D. The necessary expenses incurred by the board in the operation of the program must be paid according to the purpose for which they are incurred from the assets of the program trust fund.

E. The Attorney General or an assistant designated by the Attorney General is legal advisor to the board.

F. The board shall keep a record of all its proceedings, which:

(1) Must comply with the requirements of section 8056, subsection 5 and sections 9059 and 9061, to the extent those laws are applicable; and

(2) Must be open to public inspection.

4. Program administration. The program is administered by the board. The board shall contract with firms to provide administration, investment, custodial, trustee and auditing services for the program.

5. Participation eligibility. An eligible volunteer may participate in the program.

6. Participation commencement. Unless an eligible volunteer waives the right of participation pursuant to subsection 7, the eligible volunteer becomes a participant on the last day of the first calendar year during which the eligible volunteer meets the service credit requirements set forth in subsection 8 during a calendar year beginning after December 31, 2015.

7. Waiver of participation. An eligible volunteer may waive the right to participate in the program by filing with the board a written, signed and irrevocable waiver of participation that is signed by the fire chief, as described in Title 30-A, section 3153, of a municipal fire department of which the eligible volunteer is a member.

8. Service credit. Service credit may be allowed in the program only for volunteer emergency service rendered as an eligible volunteer. The requirements to be met by an eligible volunteer to earn one year of service credit must be set forth in rules adopted by the board pursuant to subsection 21 and may be amended from time to time at the discretion of the board.

9. Procedure for reporting service credit. A municipal fire department shall submit a list of all persons who were eligible volunteers during a calendar year to the board for review and approval by May 1st following the end of that calendar year. The list must indicate which eligible volunteers earned service credit during the calendar year and must be prepared, certified under oath by the fire chief of the municipal fire department, posted in the fire department for at least 30 days and then submitted to and received by the board by May 1st. During the 30-day posting period, an eligible volunteer must be given the opportunity to dispute the service credit shown for the eligible volunteer in accordance with law. The fire chief shall indicate in writing to the board that the list was posted for at least 30 days and that all disputes regarding the service credit shown on the list as having been earned during the year have been resolved. The board, at its sole discretion, may audit a list prepared by a municipal fire department

under this subsection. If the list is not received by the board by May 1st, a contribution may not be credited to the program account of any eligible volunteer whose name was or should have been reported on the list as having earned one year of service credit during the calendar year, except as provided in subsection 12.

10. Contributions to the program. For each calendar year beginning after December 31, 2015, the program trust fund must accept contributions, if any, from the following:

A. The State;

B. A municipality;

C. A municipal fire department or a fire company or volunteer organization associated with a municipal fire department;

D. The Federal Government; and

E. A participant, after the United States Internal Revenue Code is amended and any required rules and regulations are issued by the United States Internal Revenue Service to allow defined contribution length of service award programs to be treated as deferred compensation plans under the United States Internal Revenue Code, Section 457. Until the United States Internal Revenue Code is so amended, the board shall contract with a firm to offer individual retirement accounts to participants.

The annual contributions, if any, for a given calendar year must be deposited into the program trust fund before the following July 1st.

The portion of the annual contributions credited to a program account of a participant who has attained the entitlement age as described in subsection 14 and has been paid the participant's accrued service award must be determined in the same manner as the portion of the annual contributions credited to a program account of a participant who has not attained the entitlement age.

Except for the limit on the amount of the annual contributions credited to a participant's program account set forth in the United States Internal Revenue Code, Section 457, there is no other limit or restriction on the amount credited to a participant's program account for any calendar year.

11. Subaccounts. A participant's program account consists of the following subaccounts:

A. A state subaccount, which is an account of a participant reflecting applicable state contributions, forfeitures, investment income or loss as well as administrative and investment expenses allocated to the subaccount and distributions paid from the subaccount. A participant's state subaccount is subject to the vesting schedule set forth in subsection 12.

(1) For a given calendar year, the total state contribution, if any, must be allocated equally to the state subaccounts of the participants who earned one year of service credit during that calendar year.

(2) Forfeitures from a participant's state subaccount must be added to and allocated as state contributions as designated by the State in the calendar year in which the forfeitures are determined to occur pursuant to subsection 13;

B. A municipal subaccount, which is an account of a participant derived from contributions from a specific municipality to the program. A participant's municipal subaccount must reflect the respective contributions from that municipality along with forfeitures, investment income or loss as well as administrative and investment expenses allocated to the subaccount and distributions paid from the subaccount. A participant's municipal subaccount is subject to the vesting schedule set forth in subsection 12.

(1) For a given calendar year, the total contribution from a specific municipality, if any, must be allocated equally to the municipal subaccounts of the participants who are eligible volunteers of that municipality and who earned one year of service credit during that calendar year.

(2) Forfeitures from a participant's municipal subaccount must be added to and allocated as municipal contributions as designated by the municipality in the calendar year in which the forfeitures are determined to occur pursuant to subsection 13;

C. A municipal fire department subaccount, which is an account of a participant derived from contributions from a specific municipal fire department or a fire company or volunteer organization associated with a municipal fire department to the program. A participant's municipal fire department subaccount must reflect the respective contributions from that municipal fire department or fire company or volunteer organization associated with a municipal fire department along with forfeitures, investment income or loss as well as administrative and investment expenses allocated to the subaccount and distributions paid from the subaccount. A participant's municipal fire department subaccount is subject to the vesting schedule set forth in subsection 12.

(1) For a given calendar year, the total contribution from a specific municipal fire department or a fire company or volunteer organization associated with a municipal fire department, if any, must be allocated equally to the municipal fire department subaccounts of the participants who are eligible volunteers of that municipal fire department or fire company or volunteer organization associated with a municipal fire department and who earned one year of service credit during that calendar year.

(2) Forfeitures from a participant's municipal fire department subaccount must be added to and allocated as municipal fire department contributions as designated by the municipal fire department or fire company or volunteer organization associated with a municipal fire department in the calendar year in which the forfeitures are determined to occur pursuant to subsection 13;

D. A Federal Government subaccount, which is an account of a participant reflecting applicable Federal Government contributions, forfeitures, investment income or loss as well as administrative and investment expenses allocated to the subaccount and distributions from the subaccount. Unless otherwise specified in federal law, a

participant's Federal Government subaccount is subject to the vesting schedule set forth in subsection 12.

(1) Unless otherwise specified in federal law, for a given calendar year, the total contribution from the Federal Government, if any, must be allocated equally to the Federal Government subaccounts of the participants who earned one year of service credit during that calendar year.

(2) Unless otherwise specified in federal law, forfeitures from a participant's Federal Government subaccount must be added to and allocated as Federal Government contributions as designated by the Federal Government in the calendar year in which the forfeitures are determined to occur pursuant to subsection 13; and

E. A participant contribution subaccount. If the United States Internal Revenue Code is amended and any required rules and regulations are issued by the United States Internal Revenue Service to allow defined contribution length of service award programs to be treated as deferred compensation plans under the United States Internal Revenue Code, Section 457, a participant may elect to make participant contributions to the program. A participant contribution subaccount must reflect the respective contributions from a participant along with investment income or loss as well as administrative and investment expenses allocated to the subaccount and distributions paid from the subaccount. A participant contribution subaccount must be 100% vested at all times.

12. Vesting schedule for a participant's accrued service award. A participant's accrued service award becomes vested as set out in this subsection.

A. If the participant has less than 5 years of service credit, the vested percentage is 0%.

B. If the participant has 5 or more years of service credit, the vested percentage is 100%.

In determining an individual participant's years of service credit for the purpose of vesting, all years of service credit earned as a participant in the program must be counted. Failure to submit the annual eligible volunteer listing to the board under subsection 9 by the required date for any calendar year does not result in the forfeiture of the certified service credit reported to the board for an eligible volunteer.

All calendar years, up to 5 years, ending before January 1, 2016 during which the participant was an eligible volunteer for the entire calendar year count for vesting service credit.

13. Forfeiture of a participant's accrued service award. The nonvested portion of a participant's accrued service award is permanently forfeited effective as of December 31st of the calendar year during which the participant has not been an eligible volunteer for 36 consecutive months. Service credit earned by a participant is never forfeited.

14. Entitlement age. The entitlement age for a participant is the earlier of:

A. Sixty-five years of age or the person's age on the next January 1st after becoming a participant in the program if the person is 65 years of age or older; and

B. The age of a participant as of the end of the calendar year after earning 20 years of service credit.

15. Payment to participant of accrued service award. The following provisions govern the payment to a participant of an accrued service award.

A. Upon the attainment of the entitlement age as described in subsection 14, a participant must be paid the vested portion of the participant's accrued service award. A participant who attains the entitlement age while an eligible volunteer and before attaining a 100% vested status must be paid the participant's accrued service award as of December 31st of the calendar year during which the participant achieved a 100% vested status. A participant who attains the entitlement age before 65 years of age may on or before attaining the entitlement age file a written election with the board to defer payment of the participant's accrued service award until attainment of 65 years of age.

B. As of the last day of the first calendar year during which a participant has no longer been an eligible volunteer for at least 36 consecutive months, the vested portion of the participant's accrued service award must be paid to the participant.

C. A participant who has been determined to be totally and permanently disabled by the United States Social Security Administration, any workers' compensation board, any insurance company, any state retirement system, any pension plan administrator or any other entity approved by the board must be paid that participant's accrued service award as soon as administratively feasible after all documentation required by the board to verify and determine total and permanent disablement is submitted to the board and the disability payment is awarded by the board.

D. Should a participant die before attaining the entitlement age, the participant's designated beneficiary or estate if no acceptable beneficiary designation form has been filed with the board by the participant must upon application to the board be paid the participant's accrued service award as soon as administratively feasible after all required documentation is submitted to the board.

E. The portion of the annual contribution credited to the program account of a post-entitlement age participant must be immediately paid to the participant if the participant has achieved a 100% vested status in the program. If the post-entitlement age participant has not achieved a 100% vested status in the program, that participant's accrued service award must be paid to the participant as soon as administratively feasible after December 31st of the calendar year during which the participant achieved a 100% vested status.

16. Investment of program funds. The board shall establish a program trust fund within which the funds paid into the program must be deposited. A participant shall select investments for the amounts credited to the participant's program account from a menu of investment options. Distributions of accrued service awards must be made from the program trust fund in accordance with the program provisions. The program trust fund must be established and maintained in accordance with applicable sections of the

United States Internal Revenue Code. Subject to review and approval by the Treasurer of State, the program trust fund investment options made available to participants must be selected by the board.

17. Program audits. At the discretion of the State, either a state agency or a firm retained by the State shall audit the program at least once every 5 years.

18. Notice of changes to laws governing the program. Within 180 days after the effective date of legislation that changes the laws governing the program, a written notice and explanation of these changes must be distributed by the board to all persons who participate or are eligible to participate in the program. Copies of this written notice and explanation must be available upon request to the board to all other persons.

19. Program termination. Within 360 days after the effective date of legislation terminating the program, each program participant must be paid the participant's entire accrued service award to the date of payment in a single lump sum. Beneficiaries of deceased participants must be paid any amount owed to them under the program in the same manner within the same 360-day period.

20. Program trust fund governed by certain provisions. Until the United States Internal Revenue Code is amended to treat defined contribution length of service award programs as deferred compensation plans under the United States Internal Revenue Code, Section 457, the program trust fund must be governed by all required provisions to ensure that a participating eligible volunteer or the eligible volunteer's beneficiary is not subject to federal income taxation on an accrued service award until actual receipt of payment by the participant or the beneficiary. After the United States Internal Revenue Code is so amended, the State and the board shall take all required actions to ensure the program complies with the United States Internal Revenue Code, Section 457 and the related United States Internal Revenue Service regulations.

21. Rules. The board shall adopt rules, which are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A, pertaining to the administration of the program.

Sec. 2. 5 MRSA §12004-G, sub-§30-E is enacted to read:

30-E.

<u>Public Safety</u>	<u>Maine Length of Service Award Program Board of Trustees</u>	<u>Expenses Only</u>	<u>5 MRSA §3372</u>
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# 127th MAINE LEGISLATURE

LD 164

LR 357(05)

An Act To Establish the Maine Length of Service Award Program

Fiscal Note for Bill as Engrossed with:

C "A" (H-151)

H "A" (H-177) to C "A" (H-151)

Committee: Labor, Commerce, Research and Economic Development

## Fiscal Note

### State Mandates

**Required Activity**

**Unit Affected      Local Cost**

Requires the municipal fire department to submit a list of all persons who were eligible volunteers during a calendar year to the board for review and approval.	Municipality	Insignificant
Requires the fire chief to resolve any disputes related to the service credit shown.		statewide

The required local activities in this bill may represent a State mandate pursuant to the Constitution of Maine. Unless General Fund appropriations are provided to fund at least 90% of the additional costs or a Mandate Preamble is amended to the bill and two-thirds of the members of each House vote to exempt this mandate from the funding requirement, municipalities may not be required to implement these changes.

### Fiscal Detail and Notes

The bill creates the Maine Length of Service Award Program with the intent to provide paid length of service awards to eligible volunteers who provide qualified services in a municipal fire department as an active part-time or on-call firefighter or a volunteer firefighter or as an emergency medical services person. A board is established to govern the program. Administrative expenses are to be paid from the assets of the program fund. The program is required to accept contributions from the State, municipalities, municipal fire departments or associated organizations, the Federal Government and participants. There is no requirement contributions be made by any entity.

Any costs to the Attorney General to serve as advisor to the board or to the Treasurer of State to review and approve investment options are expected to be minor and can be absorbed within existing budgeted resources.



# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 164

H.P. 122

House of Representatives, January 27, 2015

### An Act To Establish the Maine Length of Service Award Program

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Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

A handwritten signature in cursive script that reads "R. B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative EVANGELOS of Friendship.  
Cosponsored by Senator DUTREMBLE of York and  
Representatives: GINZLER of Bridgton, KRUGER of Thomaston, KUMIEGA of Deer Isle,  
LAJOIE of Lewiston, MAKER of Calais, SHAW of Standish, STANLEY of Medway,  
Senator: MIRAMANT of Knox.

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

2 Sec. 1. 5 MRSA §3372 is enacted to read:

3 §3372. Maine Length of Service Award Program

4 1. Definitions. As used in this section, unless the context otherwise indicates, the  
5 following terms have the following meanings.

6 A. "Accrued service award" means the total value, as of a given date, of a  
7 participant's program account.

8 B. "Board" means the Maine Length of Service Award Program Board of Trustees.

9 C. "Bona fide volunteer" has the same meaning as in the United States Internal  
10 Revenue Code, Section 457(e)(11).

11 D. "Eligible volunteer" means a bona fide volunteer performing qualified services in  
12 a municipal fire department if that bona fide volunteer is:

13 (1) A firefighter who is an active part-time or on-call member of a municipal fire  
14 department or a volunteer firefighter; or

15 (2) An emergency medical services person who provides on-call, part-time or  
16 volunteer emergency medical treatment under the direction of the chief of a  
17 municipal fire department and who is duly licensed under rules and protocols  
18 established by the Emergency Medical Services' Board pursuant to Title 32,  
19 section 88.

20 E. "Emergency medical services person" means any person who routinely provides  
21 emergency medical treatment to the sick or injured.

22 F. "Emergency medical treatment" has the same meaning as in Title 32, section 83,  
23 subsection 13.

24 G. "Municipal fire department" has the same meaning as in Title 30-A, section 3151,  
25 subsection 1.

26 H. "Participant" means a person who participates in the program.

27 I. "Program" means the Maine Length of Service Award Program established in  
28 subsection 2.

29 J. "Program account" means a separate account maintained for each participant  
30 reflecting applicable contributions, applicable forfeitures, investment income or loss  
31 as well as administrative and investment expenses allocated to each participant and  
32 distributions paid from the account.

33 K. "Program trust fund" means a trust fund established by the board into which all  
34 contributions to the program are deposited.

35 L. "Qualified services" has the same meaning as in the United States Internal  
36 Revenue Code, Section 457(e)(11).

1 M. "Volunteer firefighter" has the same meaning as in Title 30-A, section 3151,  
2 subsection 4.

3 2. Program established. The Maine Length of Service Award Program is  
4 established to provide paid length of service awards to eligible volunteers. The program  
5 is administered by the board as set out in this section.

6 3. Board of trustees. The following provisions govern the Maine Length of Service  
7 Award Program Board of Trustees, which is establish to oversee the program.

8 A. The board, as established in section 12004-G, subsection 30-E, is composed of 7  
9 trustees, as follows:

10 (1) Four persons who are eligible volunteers, appointed by the Governor. Three  
11 of the persons appointed under this subparagraph must be selected from a list of 6  
12 nominees submitted by a statewide federation of firefighters;

13 (2) A chief of a municipal fire department, appointed by the Governor and  
14 selected from a list of 3 nominees submitted by a statewide association of fire  
15 chiefs;

16 (3) A person who is qualified through training or experience in the field of  
17 investments, accounting, banking or insurance or who is an actuary, appointed by  
18 the Governor; and

19 (4) A person designated by a statewide municipal association.

20 B. The board shall elect from its membership a chair.

21 C. The terms of the trustees are determined as follows.

22 (1) Each trustee serves a term of 3 years.

23 (2) A trustee continues to serve after the expiration of that trustee's term until a  
24 successor is appointed and qualified, but the trustee's continuation as a trustee  
25 does not change the expiration date of the trustee's term.

26 (3) The term of a trustee appointed to succeed a trustee whose term has expired  
27 begins on the day after the expiration date of the 3-year term of the previous  
28 trustee, regardless of the effective date of the new appointment.

29 (4) An appointment to any vacancy caused by death, resignation or ineligibility  
30 is for the unexpired portion of the term.

31 D. The necessary expenses incurred by the board in the operation of the program  
32 must be paid according to the purpose for which they are incurred from the assets of  
33 the program trust fund.

34 E. The Attorney General or an assistant designated by the Attorney General is legal  
35 advisor to the board.

36 F. The board shall keep a record of all its proceedings, which:

37 (1) Must comply with the requirements of section 8056, subsection 5 and  
38 sections 9059 and 9061, to the extent those laws are applicable; and

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(2) Must be open to public inspection.

4. Program administration. The program is administered by the board. The board shall contract with firms to provide administration, investment, custodial, trustee and auditing services for the program.

5. Participation eligibility. An eligible volunteer may participate in the program.

6. Participation commencement. Unless an eligible volunteer waives the right of participation pursuant to subsection 7, the eligible volunteer becomes a participant on the last day of the first calendar year during which the eligible volunteer meets the service credit requirements set forth in subsection 8 during a calendar year beginning after December 31, 2015.

7. Waiver of participation. An eligible volunteer may waive the right to participate in the program by filing with the board a written, signed and irrevocable waiver of participation that is signed by the fire chief, as described in Title 30-A, section 3153, of a municipal fire department of which the eligible volunteer is a member.

8. Service credit. Service credit may be allowed in the program only for volunteer emergency service rendered as an eligible volunteer. The requirements to be met by an eligible volunteer to earn one year of service credit must be set forth in rules adopted by the board pursuant to subsection 21 and may be amended from time to time at the discretion of the board.

9. Procedure for reporting service credit. A municipal fire department shall submit a list of all persons who were eligible volunteers during a calendar year to the board for review and approval by May 1st following the end of that calendar year. The list must indicate which eligible volunteers earned service credit during the calendar year and must be prepared, certified under oath by the fire chief of the municipal fire department, posted in the fire department for at least 30 days and then submitted to and received by the board by May 1st. During the 30-day posting period, an eligible volunteer must be given the opportunity to dispute the service credit shown for the eligible volunteer in accordance with law. The fire chief shall indicate in writing to the board that the list was posted for at least 30 days and that all disputes regarding the service credit shown on the list as having been earned during the year have been resolved. The board, at its sole discretion, may audit a list prepared by a municipal fire department under this subsection. If the list is not received by the board by May 1st, a contribution may not be credited to the program account of any eligible volunteer whose name was or should have been reported on the list as having earned one year of service credit during the calendar year, except as provided in subsection 12.

10. Contributions to the program. For each calendar year beginning after December 31, 2015, the program trust fund must accept contributions, if any, from the following:

A. The State;

B. A municipality;

1 C. A municipal fire department or a fire company or volunteer organization  
2 associated with a municipal fire department;

3 D. The Federal Government; and

4 E. A participant, after the United States Internal Revenue Code is amended and any  
5 required rules and regulations are issued by the United States Internal Revenue  
6 Service to allow defined contribution length of service award programs to be treated  
7 as deferred compensation plans under the United States Internal Revenue Code,  
8 Section 457. Until the United States Internal Revenue Code is so amended, the board  
9 shall contract with a firm to offer individual retirement accounts to participants.

10 The annual contributions, if any, for a given calendar year must be deposited into the  
11 program trust fund before the following July 1st.

12 The portion of the annual contributions credited to a program account of a participant  
13 who has attained the entitlement age as described in subsection 14 and has been paid the  
14 participant's accrued service award must be determined in the same manner as the portion  
15 of the annual contributions credited to a program account of a participant who has not  
16 attained the entitlement age.

17 Except for the limit on the amount of the annual contributions credited to a participant's  
18 program account set forth in the United States Internal Revenue Code, Section 457, there  
19 is no other limit or restriction on the amount credited to a participant's program account  
20 for any calendar year.

21 Beginning October 1, 2016 and every October 1st thereafter, the State Controller shall  
22 transfer to the program trust fund an amount, as certified by the State Tax Assessor, that  
23 is equivalent to 1/2 of the sales tax imposed on the sale of consumer fireworks pursuant to  
24 Title 36, section 1811 in the prior fiscal year starting on the effective date of this  
25 subsection.

26 11. Subaccounts. A participant's program account consists of the following  
27 subaccounts:

28 A. A state subaccount, which is an account of a participant reflecting applicable state  
29 contributions, forfeitures, investment income or loss as well as administrative and  
30 investment expenses allocated to the subaccount and distributions paid from the  
31 subaccount. A participant's state subaccount is subject to the vesting schedule set  
32 forth in subsection 12.

33 (1) For a given calendar year, the total state contribution, if any, must be  
34 allocated equally to the state subaccounts of the participants who earned one year  
35 of service credit during that calendar year.

36 (2) Forfeitures from a participant's state subaccount must be added to and  
37 allocated as state contributions as designated by the State in the calendar year in  
38 which the forfeitures are determined to occur pursuant to subsection 13;

39 B. A municipal subaccount, which is an account of a participant derived from  
40 contributions from a specific municipality to the program. A participant's municipal  
41 subaccount must reflect the respective contributions from that municipality along  
42 with forfeitures, investment income or loss as well as administrative and investment

1 expenses allocated to the subaccount and distributions paid from the subaccount. A  
2 participant's municipal subaccount is subject to the vesting schedule set forth in  
3 subsection 12.

4 (1) For a given calendar year, the total contribution from a specific municipality,  
5 if any, must be allocated equally to the municipal subaccounts of the participants  
6 who are eligible volunteers of that municipality and who earned one year of  
7 service credit during that calendar year.

8 (2) Forfeitures from a participant's municipal subaccount must be added to and  
9 allocated as municipal contributions as designated by the municipality in the  
10 calendar year in which the forfeitures are determined to occur pursuant to  
11 subsection 13;

12 C. A municipal fire department subaccount, which is an account of a participant  
13 derived from contributions from a specific municipal fire department or a fire  
14 company or volunteer organization associated with a municipal fire department to the  
15 program. A participant's municipal fire department subaccount must reflect the  
16 respective contributions from that municipal fire department or fire company or  
17 volunteer organization associated with a municipal fire department along with  
18 forfeitures, investment income or loss as well as administrative and investment  
19 expenses allocated to the subaccount and distributions paid from the subaccount. A  
20 participant's municipal fire department subaccount is subject to the vesting schedule  
21 set forth in subsection 12.

22 (1) For a given calendar year, the total contribution from a specific municipal  
23 fire department or a fire company or volunteer organization associated with a  
24 municipal fire department, if any, must be allocated equally to the municipal fire  
25 department subaccounts of the participants who are eligible volunteers of that  
26 municipal fire department or fire company or volunteer organization associated  
27 with a municipal fire department and who earned one year of service credit  
28 during that calendar year.

29 (2) Forfeitures from a participant's municipal fire department subaccount must  
30 be added to and allocated as municipal fire department contributions as  
31 designated by the municipal fire department or fire company or volunteer  
32 organization associated with a municipal fire department in the calendar year in  
33 which the forfeitures are determined to occur pursuant to subsection 13;

34 D. A Federal Government subaccount, which is an account of a participant reflecting  
35 applicable Federal Government contributions, forfeitures, investment income or loss  
36 as well as administrative and investment expenses allocated to the subaccount and  
37 distributions from the subaccount. Unless otherwise specified in federal law, a  
38 participant's Federal Government subaccount is subject to the vesting schedule set  
39 forth in subsection 12.

40 (1) Unless otherwise specified in federal law, for a given calendar year, the total  
41 contribution from the Federal Government, if any, must be allocated equally to  
42 the Federal Government subaccounts of the participants who earned one year of  
43 service credit during that calendar year.

1           (2) Unless otherwise specified in federal law, forfeitures from a participant's  
2           Federal Government subaccount must be added to and allocated as Federal  
3           Government contributions as designated by the Federal Government in the  
4           calendar year in which the forfeitures are determined to occur pursuant to  
5           subsection 13; and

6           E. A participant contribution subaccount. If the United States Internal Revenue  
7           Code is amended and any required rules and regulations are issued by the United  
8           States Internal Revenue Service to allow defined contribution length of service award  
9           programs to be treated as deferred compensation plans under the United States  
10           Internal Revenue Code, Section 457, a participant may elect to make participant  
11           contributions to the program. A participant contribution subaccount must reflect the  
12           respective contributions from a participant along with investment income or loss as  
13           well as administrative and investment expenses allocated to the subaccount and  
14           distributions paid from the subaccount. A participant contribution subaccount must  
15           be 100% vested at all times.

16           12. Vesting schedule for a participant's accrued service award. A participant's  
17           accrued service award becomes vested as set out in this subsection.

18           A. If the participant has less than 5 years of service credit, the vested percentage is  
19           0%.

20           B. If the participant has 5 or more years of service credit, the vested percentage is  
21           100%.

22           In determining an individual participant's years of service credit for the purpose of  
23           vesting, all years of service credit earned as a participant in the program must be counted.  
24           Failure to submit the annual eligible volunteer listing to the board under subsection 9 by  
25           the required date for any calendar year does not result in the forfeiture of the certified  
26           service credit reported to the board for an eligible volunteer.

27           All calendar years, up to 5 years, ending before January 1, 2016 during which the  
28           participant was an eligible volunteer for the entire calendar year count for vesting service  
29           credit.

30           13. Forfeiture of a participant's accrued service award. The nonvested portion of  
31           a participant's accrued service award is permanently forfeited effective as of December  
32           31st of the calendar year during which the participant has not been an eligible volunteer  
33           for 36 consecutive months. Service credit earned by a participant is never forfeited.

34           14. Entitlement age. The entitlement age for a participant is the earlier of:

35           A. Sixty-five years of age or the person's age on the next January 1st after becoming  
36           a participant in the program if the person is 65 years of age or older; and

37           B. The age of a participant as of the end of the calendar year after earning 20 years  
38           of service credit.

39           15. Payment to participant of accrued service award. The following provisions  
40           govern the payment to a participant of an accrued service award.

1 A. Upon the attainment of the entitlement age as described in subsection 14, a  
2 participant must be paid the vested portion of the participant's accrued service award.  
3 A participant who attains the entitlement age while an eligible volunteer and before  
4 attaining a 100% vested status must be paid the participant's accrued service award as  
5 of December 31st of the calendar year during which the participant achieved a 100%  
6 vested status. A participant who attains the entitlement age before 65 years of age  
7 may on or before attaining the entitlement age file a written election with the board to  
8 defer payment of the participant's accrued service award until attainment of 65 years  
9 of age.

10 B. As of the last day of the first calendar year during which a participant has no  
11 longer been an eligible volunteer for at least 36 consecutive months, the vested  
12 portion of the participant's accrued service award must be paid to the participant.

13 C. A participant who has been determined to be totally and permanently disabled by  
14 the United States Social Security Administration, any workers' compensation board,  
15 any insurance company, any state retirement system, any pension plan administrator  
16 or any other entity approved by the board must be paid that participant's accrued  
17 service award as soon as administratively feasible after all documentation required by  
18 the board to verify and determine total and permanent disablement is submitted to the  
19 board and the disability payment is awarded by the board.

20 D. Should a participant die before attaining the entitlement age, the participant's  
21 designated beneficiary or estate if no acceptable beneficiary designation form has  
22 been filed with the board by the participant must upon application to the board be  
23 paid the participant's accrued service award as soon as administratively feasible after  
24 all required documentation is submitted to the board.

25 E. The portion of the annual contribution credited to the program account of a post-  
26 entitlement age participant must be immediately paid to the participant if the  
27 participant has achieved a 100% vested status in the program. If the post-entitlement  
28 age participant has not achieved a 100% vested status in the program, that  
29 participant's accrued service award must be paid to the participant as soon as  
30 administratively feasible after December 31st of the calendar year during which the  
31 participant achieved a 100% vested status.

32 16. Investment of program funds. The board shall establish a program trust fund  
33 within which the funds paid into the program must be deposited. A participant shall  
34 select investments for the amounts credited to the participant's program account from a  
35 menu of investment options. Distributions of accrued service awards must be made from  
36 the program trust fund in accordance with the program provisions. The program trust  
37 fund must be established and maintained in accordance with applicable sections of the  
38 United States Internal Revenue Code. Subject to review and approval by the Treasurer of  
39 State, the program trust fund investment options made available to participants must be  
40 selected by the board.

41 17. Program audits. At the discretion of the State, either a state agency or a firm  
42 retained by the State shall audit the program at least once every 5 years.

1 18. Notice of changes to laws governing the program. Within 180 days after the  
2 effective date of legislation that changes the laws governing the program, a written notice  
3 and explanation of these changes must be distributed by the board to all persons who  
4 participate or are eligible to participate in the program. Copies of this written notice and  
5 explanation must be available upon request to the board to all other persons.

6 19. Program termination. Within 360 days after the effective date of legislation  
7 terminating the program, each program participant must be paid the participant's entire  
8 accrued service award to the date of payment in a single lump sum. Beneficiaries of  
9 deceased participants must be paid any amount owed to them under the program in the  
10 same manner within the same 360-day period.

11 20. Program trust fund governed by certain provisions. Until the United States  
12 Internal Revenue Code is amended to treat defined contribution length of service award  
13 programs as deferred compensation plans under the United States Internal Revenue Code,  
14 Section 457, the program trust fund must be governed by all required provisions to ensure  
15 that a participating eligible volunteer or the eligible volunteer's beneficiary is not subject  
16 to federal income taxation on an accrued service award until actual receipt of payment by  
17 the participant or the beneficiary. After the United States Internal Revenue Code is so  
18 amended, the State and the board shall take all required actions to ensure the program  
19 complies with the United States Internal Revenue Code, Section 457 and the related  
20 United States Internal Revenue Service regulations.

21 21. Rules. The board shall adopt rules, which are routine technical rules pursuant to  
22 Title 5-chapter 375, subchapter 2-A, pertaining to the administration of the program.

23 Sec. 2. 5 MRSAs §12004-G, sub-§30-E is enacted to read:

24 30-E.  
25 Public Safety      Maine Length of      Expenses Only      5 MRSAs §3372  
26                              Service Award  
27                              Program Board of  
28                              Trustees

29 Sec. 3. 36 MRSAs §1811, first ¶, as repealed and replaced by PL 2013, c. 588, Pt.  
30 E, §11, is amended to read:

31 A tax is imposed on the value of all tangible personal property, products transferred  
32 electronically and taxable services sold at retail in this State. The rate of tax is 7% on the  
33 value of liquor sold in licensed establishments as defined in Title 28-A, section 2,  
34 subsection 15, in accordance with Title 28-A, chapter 43; 7% on the value of rental of  
35 living quarters in any hotel, rooming house or tourist or trailer camp; 10% on the value of  
36 rental for a period of less than one year of an automobile, of a pickup truck or van with a  
37 gross vehicle weight of less than 26,000 pounds rented from a person primarily engaged  
38 in the business of renting automobiles or of a loaner vehicle that is provided other than to  
39 a motor vehicle dealer's service customers pursuant to a manufacturer's or dealer's  
40 warranty; 10% on the value of consumer fireworks, as defined in Title 8, section 221-A,  
41 subsection 1-A; 7% on the value of prepared food; and 5% on the value of all other

1 tangible personal property and taxable services and products transferred electronically.  
2 Notwithstanding the other provisions of this section, from October 1, 2013 to June 30,  
3 2015, the rate of tax is 8% on the value of rental of living quarters in any hotel, rooming  
4 house or tourist or trailer camp; 8% on the value of prepared food; 8% on the value of  
5 liquor sold in licensed establishments as defined in Title 28-A, section 2, subsection 15,  
6 in accordance with Title 28-A, chapter 43; and 5.5% on the value of all other tangible  
7 personal property and taxable services and products transferred electronically. Value is  
8 measured by the sale price, except as otherwise provided. The value of rental for a period  
9 of less than one year of an automobile or of a pickup truck or van with a gross vehicle  
10 weight of less than 26,000 pounds rented from a person primarily engaged in the business  
11 of renting automobiles is the total rental charged to the lessee and includes, but is not  
12 limited to, maintenance and service contracts, drop-off or pick-up fees, airport  
13 surcharges, mileage fees and any separately itemized charges on the rental agreement to  
14 recover the owner's estimated costs of the charges imposed by government authority for  
15 title fees, inspection fees, local excise tax and agent fees on all vehicles in its rental fleet  
16 registered in the State. All fees must be disclosed when an estimated quote is provided to  
17 the lessee.

## 18 SUMMARY

19 This bill establishes the framework for a statewide pension-type program under  
20 which "bona fide volunteers" as defined in the United States Internal Revenue Code are  
21 paid length of service awards for performing qualified services. "Qualified services" is  
22 defined under the United States Internal Revenue Code, Section 457(e)(11) to mean "fire  
23 fighting and prevention services, emergency medical services, and ambulance services."  
24 Under the program, volunteers have a program account that would be credited with an  
25 annual contribution deposited no later than the following July 1st for each year during  
26 which the volunteer participated in a minimum required level of volunteer activities set  
27 forth by the Maine Length of Service Award Program Board of Trustees established in  
28 this bill. Upon the attainment of 65 years of age or after having earned 20 years of  
29 service credit before 65 years of age, a volunteer who had attained a vested status in the  
30 program by having earned 5 years of service credit would be paid the contributions  
31 credited to that volunteer's program account plus the net investment income earned on  
32 those contributions. The vested portion of the program account award of a participating  
33 volunteer must be paid before the volunteer reaches 65 years of age if the volunteer  
34 ceases to perform qualified services for 36 consecutive months. The program account  
35 balance of a participating volunteer is also payable before 65 years of age upon death or  
36 total and permanent disablement.

37 This bill authorizes the State, political subdivisions and emergency services providers  
38 within the State as well as emergency services volunteers to participate in the funding of  
39 this program. Participation in the program funding is optional for any prospective  
40 contributor, and the amount contributed may vary from year to year by a contributor  
41 based on available funds. If federal funds become available for the program, the program  
42 must accept those funds as well.

43 This bill raises the sales tax on consumer fireworks to 10% and dedicates the revenue  
44 from the increase to the program.

1 Under this bill, the Maine Length of Service Award Program Board of Trustees  
2 contracts with private sector firms to provide administration, investment, custodial,  
3 trustee and auditing services for the program.

4 Until the United States Internal Revenue Code is amended to provide that programs  
5 under which length of service awards are paid to emergency services volunteers may be  
6 treated as United States Internal Revenue Code, Section 457 plans of deferred  
7 compensation, the program in this bill must comply with the current applicable sections  
8 of the Internal Revenue Code.



# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 301

S.P. 116

In Senate, February 10, 2015

### An Act To Improve Insurance Coverage for First Responders Answering a Call to Duty

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Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Secretary of the Senate

Presented by Senator JOHNSON of Lincoln.  
Cosponsored by Representative HERBIG of Belfast and  
Senators: BURNS of Washington, DUTREMBLE of York, MIRAMANT of Knox, PATRICK  
of Oxford, Representatives: DOORE of Augusta, EVANGELOS of Friendship, LONG of  
Sherman, MAKER of Calais.

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

2 Sec. 1. 39-A MRSA §201, sub-§7 is enacted to read:

3 7. Injury to firefighter or emergency medical services person. There is a  
4 rebuttable presumption that a personal injury to a paid or volunteer firefighter or a paid or  
5 volunteer emergency medical services person considered an employee within the  
6 meaning of this Act is considered to arise out of and in the course of employment and is  
7 compensable under this Act if the personal injury occurs at any time after the firefighter  
8 or emergency medical services person receives notice of a fire or emergency and is in the  
9 process of responding. An employer providing self-insurance or an insurer providing  
10 workers' compensation insurance may not seek to limit benefits under this Act to a  
11 firefighter or emergency medical services person to a personal injury that occurs only  
12 after the firefighter or emergency medical services person begins traveling on a public  
13 way.

14 SUMMARY

15 This bill creates a rebuttable presumption that a personal injury to a paid or volunteer  
16 firefighter or a paid or volunteer emergency medical services person considered an  
17 employee within the meaning of the Maine Workers' Compensation Act of 1992 is  
18 considered to arise out of and in the course of employment and is compensable under the  
19 Act if the personal injury occurs at any time after the firefighter or emergency medical  
20 services person receives notice of a fire or emergency and is in the process of responding.



# 127th MAINE LEGISLATURE

LD 301

LR 137(02)

## An Act To Improve Insurance Coverage for First Responders Answering a Call to Duty

Fiscal Note for Bill as Amended by Committee Amendment " "  
 Committee: Labor, Commerce, Research and Economic Development  
 Fiscal Note Required: Yes

### Fiscal Note

Potential State Mandate - Unfunded

#### State Mandates

##### Required Activity

##### Unit Affected

##### Local Cost

Shifting the burden of proof from a firefighter or emergency medical services person to the municipality that an injury sustained by the claimant after receiving notification of a fire or emergency did not arise out of and in the course of employment may represent a modification or expansion of a municipal activity.

Municipality

Significant  
statewide

The required local activities in this bill may represent a State mandate pursuant to the Constitution of Maine. Unless General Fund appropriations are provided to fund at least 90% of the additional costs or a Mandate Preamble is amended to the bill and two-thirds of the members of each House vote to exempt this mandate from the funding requirement, municipalities may not be required to implement these changes.

#### Fiscal Detail and Notes

This legislation will increase costs to local governments in the form of both higher premiums for workers' compensation insurance and increased legal costs. The impact to individual municipalities will depend on actual experience.



# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 655

H.P. 436

House of Representatives, March 3, 2015

### Resolve, To Study the Feasibility of a State Firefighter Training Facility

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Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "R. B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative LAJOIE of Lewiston.  
Cosponsored by Senator DUTREMBLE of York and  
Representatives: BROOKS of Lewiston, FOWLE of Vassalboro, GOLDEN of Lewiston,  
GREENWOOD of Wales, MAKER of Calais, NADEAU of Winslow, THERIAULT of China,  
Senator: LIBBY of Androscoggin.

1           **Sec. 1. Department of Public Safety to study the feasibility of developing**  
 2 **statewide and regional training facilities for firefighting. Resolved:** That the  
 3 Department of Public Safety shall hire an independent consultant to study the feasibility  
 4 of establishing a statewide, centrally located firefighter training facility and several  
 5 regional firefighter training facilities. The regional training facilities must be located so  
 6 as to be within reach of at least 90% of the firefighters of the State within one hour. At a  
 7 minimum, the study must identify:

- 8           1. The best location for each regional firefighter training facility based on  
 9 demographics and environmental impact;
- 10           2. Other potential users of the firefighter training facilities;
- 11           3. The type of training to be provided at each facility;
- 12           4. The daily structuring of the operations of each facility;
- 13           5. The annual operational cost per facility;
- 14           6. Opportunities for the facilities to generate other revenue to offset annual  
 15 operational costs;
- 16           7. The benefits of the facilities to public safety; and
- 17           8. ~~The funding and grant options available on a statewide and federal basis for~~  
 18 construction and maintenance of the facilities.

19           The Department of Public Safety shall submit a report based on the results of the  
 20 study to the Joint Standing Committee on Criminal Justice and Public Safety by January  
 21 6, 2016; and be it further

22           **Sec. 2. Appropriations and allocations. Resolved:** That the following  
 23 appropriations and allocations are made.

24 **PUBLIC SAFETY, DEPARTMENT OF**

25 Initiative: Provides funds for an independent consultant to study the feasibility of  
 26 establishing a statewide firefighter training facility and regional firefighter training  
 27 facilities.

28	<b>GENERAL FUND</b>	<b>2014-15</b>	<b>2015-16</b>
29	All Other	\$200,000	\$0
30			
31	<b>GENERAL FUND TOTAL</b>	<u>\$200,000</u>	<u>\$0</u>



