

CHAPTER 164

FIRE DISTRICTS

§3531. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1997, c. 698, §2 (NEW).]

1. District. "District" or "fire district" means a district created by vote of a group of municipalities for the purpose of providing fire protection.

[PL 1997, c. 698, §2 (NEW).]

SECTION HISTORY

PL 1997, c. 698, §2 (NEW).

§3532. Formation; powers

1. Formation. By vote of its legislative body, any municipality, in cooperation with one or more other municipalities, may form a district for the purposes provided in this chapter.

[PL 1997, c. 698, §2 (NEW).]

2. General powers; area of service. The district formed under subsection 1 is a quasi-municipal corporation that may sue and be sued, plead and be impleaded, adopt a name, adopt and alter a common seal, borrow funds and do all things necessary to furnish fire protection within that district.

[PL 1997, c. 698, §2 (NEW).]

3. Incidental rights. All incidental powers, rights and privileges necessary to accomplish the main objectives set forth in this chapter are granted to a district created under this chapter.

[PL 1997, c. 698, §2 (NEW).]

4. Draft agreement. Prior to voting on formation of a fire district, the municipalities shall negotiate an agreement on terms for governing the district, including such matters as the number and distribution of district directors, length of term for a director, the time frame of the fiscal year of the district and such other matters as are essential to the operation of the district.

[PL 1997, c. 698, §2 (NEW).]

SECTION HISTORY

PL 1997, c. 698, §2 (NEW).

§3533. Management

1. Directors; officers. The affairs of a district formed under section 3532 are managed by a board of directors chosen from the inhabitants of the municipalities comprising the district. The municipal officers of each municipality shall select the directors to represent the municipality. The directors shall elect from among themselves a president, treasurer, clerk and such other officers as they consider necessary.

[PL 1997, c. 698, §2 (NEW).]

2. Bylaws. The directors shall adopt bylaws and rules for the conduct of district affairs.

[PL 1997, c. 698, §2 (NEW).]

3. Employees. The directors may appoint and fix the compensation, if any, of employees needed to carry out the district's purposes and may delegate their authority under this subsection to a district manager.

[PL 1997, c. 698, §2 (NEW).]

SECTION HISTORY

PL 1997, c. 698, §2 (NEW).

§3534. Interest in contracts

A director, officer or employee of the district may not have a direct or an indirect interest in any contract entered into by or in behalf of a district for work or material, or for the purchase of material, or in any property acquired or to be acquired by the district. A contract made in violation of this section is void. [PL 1997, c. 698, §2 (NEW).]

SECTION HISTORY

PL 1997, c. 698, §2 (NEW).

§3535. Certificate of organization

After its organization, the district shall file a certificate with the Secretary of State in accordance with Title 13, section 903. The certificate must set forth the following information: [PL 1997, c. 698, §2 (NEW).]

1. Name. Name of the district;
[PL 1997, c. 698, §2 (NEW).]

2. Purposes. Purposes of the district;
[PL 1997, c. 698, §2 (NEW).]

3. Municipalities included. Municipalities included within the district;
[PL 1997, c. 698, §2 (NEW).]

4. Location. Location of the principal office;
[PL 1997, c. 698, §2 (NEW).]

5. Names of directors. Number and names of the directors and their addresses; and
[PL 1997, c. 698, §2 (NEW).]

6. Names of officers. Names and addresses of the officers.
[PL 1997, c. 698, §2 (NEW).]

As changes occur, the district shall file an amended certificate with the Secretary of State setting forth those changes. [PL 1997, c. 698, §2 (NEW).]

SECTION HISTORY

PL 1997, c. 698, §2 (NEW).

§3536. Powers of directors

The directors of a district may exercise all powers necessary to carry out the purposes of this chapter. [PL 1997, c. 698, §2 (NEW).]

SECTION HISTORY

PL 1997, c. 698, §2 (NEW).

§3537. Estimate of expenditures; contributions; budget

1. Estimate of expenditures and revenues. At least 2 months before the beginning of the district's fiscal year, the board of directors shall prepare and submit to the municipal officers of the municipalities comprising the district an itemized estimate of expenditures and revenues for the following calendar year, which must be the fiscal year. This estimate must include the following:

A. An itemized estimate of anticipated revenues during the ensuing fiscal year from each source;
[PL 1997, c. 698, §2 (NEW).]

B. An itemized estimate of expenditures for each classification for the ensuing fiscal year, including payments of principal and interest on bonds or notes issued or to be issued by the district; [PL 1997, c. 698, §2 (NEW).]

C. After the first year of operation, an itemized statement of all actual receipts from all sources, up to and including the last day of the 3rd quarter of the current fiscal year, with estimated receipts from those sources shown for the balance of the year; [PL 1997, c. 698, §2 (NEW).]

D. After the first year of operation, an itemized statement of all actual expenditures, up to and including the last day of the 3rd quarter of the current fiscal year, with estimated expenditures shown for the balance of the year; and [PL 1997, c. 698, §2 (NEW).]

E. An estimate of revenue surplus or deficit of the district for the fiscal year for which estimates are being prepared. [PL 1997, c. 698, §2 (NEW).]

[PL 1997, c. 698, §2 (NEW).]

2. Determination of municipal contributions. Each year, before submitting the estimates required by subsection 1 to the municipal officers, the board of directors of the district, by a 2/3 vote of its entire membership, shall establish a formula for contributions to be made by each municipality in order to defray any projected deficit. This formula and estimated amount of the contribution required from each municipality must be shown in the estimates filed with the municipal officers of each municipality.

[PL 1997, c. 698, §2 (NEW).]

3. Budget; payment of allocations. Not later than 60 days after the beginning of the district's fiscal year, the board of directors shall adopt a final budget for that year that must be itemized in the same manner as the estimate of expenditures and revenues under subsection 1. This budget must be submitted immediately to the municipal officers of the municipalities comprising the district, and the amounts allocated to each municipality to defray any projected revenue deficit in the budget must be included in the warrant to the assessors of each municipality as provided in section 3538.

[PL 1997, c. 698, §2 (NEW).]

4. Accounting. Revenue, expenditure and budget amounts must be determined in accordance with generally accepted accounting principles.

[PL 1997, c. 698, §2 (NEW).]

SECTION HISTORY

PL 1997, c. 698, §2 (NEW).

§3538. Warrant for taxes

1. Warrant. The directors shall issue their warrant in the same form as the warrant of the Treasurer of State for taxes, with proper changes, to the assessors of the municipalities comprising the district. The warrant must require the municipalities to assess the sum allocated to each municipality for payment of the costs of the district upon the taxable estates within those municipalities and to commit their assessment to the constable or collector of the municipalities. The constable or collector has all the authority and powers to collect these taxes as is vested by law to collect state, county and municipal taxes. Within 30 days after the date fixed by the municipality on which its taxes are due, the treasurer of the municipality shall pay the amount of the tax assessed under this section to the treasurer of the district.

[PL 1997, c. 698, §2 (NEW).]

2. Failure to pay. If the treasurer of a municipality fails to pay the sum assessed under this section, or fails to pay any part of the sum by the date set in the year in which the tax is levied, the treasurer of the district may issue a warrant for the amount of the tax, or so much of the tax as remains unpaid, to the sheriff of the appropriate county, requiring the sheriff to levy the tax by distress and sale on real

and personal property of any of the inhabitants of the municipality. The sheriff or a deputy shall execute the warrant.

[PL 1997, c. 698, §2 (NEW).]

SECTION HISTORY

PL 1997, c. 698, §2 (NEW).

§3539. Changes in district territory

1. Addition to territory. After initial formation of a district, a municipality may join the district upon vote of the municipality's legislative body and upon a 2/3 vote of the board of directors. The board of directors shall determine the terms and conditions to be met by the joining municipality.

[PL 1997, c. 698, §2 (NEW).]

2. Withdrawal from district. By vote of its legislative body, a municipality may elect to withdraw from the district. Withdrawal must take effect at the end of a district fiscal year, after the municipality has given the board of directors at least one year's written notice of its intention to withdraw. The municipality shall pay its proportionate share of the current indebtedness of the district before withdrawal and shall agree by appropriate written document to pay its proportionate share of any long-term indebtedness of the district as that indebtedness becomes due and payable. During the period of notice, the withdrawing municipality does not become liable for any capital expenditures or borrowings that may be made by the district. The proportionate share of the withdrawing municipality in any current and long-term indebtedness of the district must be in accordance with the formula then in effect for payment of the current and long-term indebtedness.

[PL 1997, c. 698, §2 (NEW).]

SECTION HISTORY

PL 1997, c. 698, §2 (NEW).

§3540. Dissolution

At such time as a district has discharged all of its obligations and paid or provided for the payment of all of its bonded indebtedness, the board of directors, by 2/3 vote of its membership, may dissolve the district and dispose of all of its property, real and personal, in the manner authorized and directed by the board of directors. The treasurer of the district may execute any deeds, bills of sale or documents required for that purpose. All money, if any, remaining in the control of the treasurer of the district must be paid to the municipalities comprising the district as of the date of dissolution in accordance with the formula then in effect for the payment of any operating deficit. The officers of the district shall file notice of dissolution with the office of the Secretary of State as required in Title 13, section 937. [PL 1997, c. 698, §2 (NEW).]

SECTION HISTORY

PL 1997, c. 698, §2 (NEW).

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