

# MAINE STATE LEGISLATURE

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1 (Governor's Bill)  
2 (EMERGENCY)  
3 SECOND REGULAR SESSION  
4

5 ONE HUNDRED AND TENTH LEGISLATURE  
6

7 **Legislative Document**

**No. 1973**

8  
9 H. P. 1997 House of Representatives, February 11, 1982  
Referred to the Committee on Transportation. Sent up for concur-  
rence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Moholland of Princeton.

10 Cosponsors: Senator Usher of Cumberland, Senator Emerson of  
Penobscot and Representative Strout of Corinth.

11  
12 **STATE OF MAINE**  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-TWO  
16

17 **AN ACT to Provide for Fuel Use**  
18 **Identification Decals.**  
19

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

23 Whereas, legislation was passed at the last regular  
24 session of the Legislature requiring a highway use permit;  
25 and

26 Whereas, a basic objective of this legislation was to  
27 improve enforcement of collecting motor fuel taxes; and

28 Whereas, certain aspects of this legislation were  
29 determined to be unconstitutional; and

30 Whereas, fuel use identification decals will help  
31 enforcement officials collect motor fuel taxes; and

1       Whereas, in the judgment of the Legislature, these  
2 facts create an emergency within the meaning of the Consti-  
3 tution of Maine and require the following legislation as  
4 immediately necessary for the preservation of the public  
5 peace, health and safety; now, therefore,

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

7       Sec. 1. 29 MRSA §246-A, as enacted by PL 1981, c. 492,  
8 Pt. E, §9, is repealed and the following enacted in its  
9 place:

10 §246-A. Fuel use identification decal

11       Notwithstanding any other provision of law, a person  
12 owning, operating or causing operation of a vehicle on the  
13 highways of this State, subject to Title 36, chapter 453,  
14 455 or 457, shall apply to the Secretary of State for a fuel  
15 use identification decal for each vehicle covered by such  
16 reports or licensing requirement.

17       Application shall be made upon a form and in a manner  
18 prescribed by the Secretary of State and shall set forth  
19 such information as the Secretary of State may require. The  
20 application shall be accompanied by a fee of \$10 for each  
21 vehicle listed in the application.

22       Every person who has paid a \$3 highway use permit fee  
23 for the current or preceding calendar year shall, on appli-  
24 cation for a decal under this section, receive credit for  
25 each such \$3 fee paid toward the fee required by this  
26 section for a 1982 decal.

27       The Secretary of State shall issue an identification  
28 decal of such size and design as he shall prescribe, which  
29 shall be permanently affixed to the exterior of the vehicle  
30 in a location the Secretary of State shall specify and such  
31 decal shall at all times be visible and legible. The decal  
32 shall become void on January 1st next following the date of  
33 issue.

34       The Secretary of State may issue, by telegram or other-  
35 wise, a trip permit which identifies a specific vehicle and  
36 such vehicle may operate without a fuel use identification  
37 decal being displayed for a period not to exceed 5 consecu-  
38 tive days. Such a trip permit shall accompany the vehicle  
39 at all times while being operated on the highways of this  
40 State. The fee for a 5-day trip permit is \$5.

1 Every state police officer or any member of the Depart-  
2 ment of Public Safety, as designated by the Commissioner of  
3 Public Safety, is authorized and directed to enforce the  
4 provisions of this section. When a motor vehicle, or oper-  
5 ator or owner, is found to be in violation of this section,  
6 appropriate enforcement action shall be taken. Before being  
7 allowed to proceed, the operator shall be advised that he  
8 has until the close of business on the next business day  
9 following the date of violation to obtain a trip permit or  
10 decal as provided in this section. Any owner or operator  
11 found to be in noncompliance with the law regarding report-  
12 ing and payments required by the gasoline road tax or fuel  
13 use tax statutes may be required to come into full compli-  
14 ance with such statutes and rules thereunder before being  
15 allowed to proceed.

16 A violation of this section is a Class E crime.

17 As a grace period to allow compliance with this  
18 section, no action for violation of this section may occur  
19 during the first 30 days following the effective date.

20 The State Tax Assessor, the Department of Public Safety  
21 and the Secretary of State shall cooperate in the issuance  
22 of the fuel use identification decals and temporary permits,  
23 the enforcement of this section and in an effort to insure  
24 that timely information of the status of those in noncompli-  
25 ance with the gasoline road tax and fuel use tax laws,  
26 intrastate and interstate for hire operating authority  
27 permit requirements, and motor vehicle registration laws, is  
28 readily available to all enforcement personnel.

29 Sec. 2. 36 MRSA §2962 is repealed and the following  
30 enacted in its place:

31 §2962. Names of certificate and permit holders furnished to  
32 State Tax Assessor

33 The State Police shall, within 7 days after issuing a  
34 certificate or permit to a motor carrier under Title 29,  
35 chapter 25, furnish to the State Tax Assessor the name of  
36 each such motor carrier, together with such other informa-  
37 tion relative to such motor carrier as the State Tax Asses-  
38 sor may require.

39 Sec.3. 36 MRSA §3026, last ¶, as enacted by PL 1981,  
40 c. 492, Pt. E, §20, is amended to read:

41 In order to obtain a use permit fuel use identification  
42 decal under Title 29, section 246-A, the vehicle owner must

1 be licensed pursuant to this section, except in the case of  
2 a trip permit or telegram authorization. After the first  
3 trip permit or telegram authorization, subsequent permits or  
4 telegrams will not be issued if the State Tax Assessor has  
5 certified that prior use fuel tax liability has not been  
6 paid or that a required tax return or returns have not been  
7 filed. Furtherance in those instances where a use fuel  
8 users license is cancelled by the State Tax Assessor and  
9 such action certified to the Secretary of State, the Secre-  
10 tary of State shall construe such cancellation to be grounds  
11 for revoking all use permits fuel use identification decals  
12 issued under Title 29, section 246-A for that taxpayer's  
13 trucks.

14 Sec. 4. PL 1981, c. 492, Pt. E, §11 is amended by  
15 striking out all of that part relating to "SECRETARY OF  
16 STATE, DEPARTMENT OF THE" and inserting in its place the  
17 following:

	<u>1981-82</u>	<u>1982-83</u>
18		
19	<u>SECRETARY OF STATE,</u>	
20	<u>DEPARTMENT OF THE</u>	
21	<u>Division of Motor Vehicle</u>	
22	<u>Unallocated</u>	<u>\$ 215,380</u> <u>\$ 216,096</u>

23 Sec. 5. Committee to study the administration of  
24 truck-related permits and licenses. There is established a  
25 committee to study and, if appropriate, to recommend pro-  
26 posed legislation dealing with the simplification and  
27 improvement of the several laws dealing with permits, fees  
28 and licenses which apply to the trucking industry in Maine.  
29 Of particular concern is the centralization of administra-  
30 tion to improve efficiency and simplify the task truckers  
31 face in complying with the law. The committee shall be com-  
32 posed of the Commissioner of Transportation as chairman, the  
33 Commissioner of Public Safety, the Commissioner of Finance  
34 and Administration, the Secretary of State, the President of  
35 the Maine Motor Transport Association, one Legislator  
36 appointed by the Speaker of the House and one Legislator  
37 appointed by the President of the Senate.

38 The committee shall report its findings and any pro-  
39 posed legislation to the Legislative Council no later than  
40 January 31, 1983.

41 **Emergency clause.** In view of the emergency cited in  
42 the preamble, this Act shall take effect when approved,

1 except sections 1, 2 and 3 shall take effect on April 1,  
2 1982.

3 STATEMENT OF FACT

4 This bill changes the highway use permit legislation  
5 passed in the last regular session of the Legislature in  
6 response to the unconstitutional issues raised in Maine  
7 courts and provides for the issuance of a fuel use identifi-  
8 cation decal. The major change is to provide a \$10 annual  
9 fee for all vehicles required to file reports or obtain a  
10 license for the gasoline road tax, use fuel tax or inter-  
11 state bus motor fuel tax. This includes all diesel trucks,  
12 all for-hire trucks and all other private trucks 20,000  
13 gross vehicle weight and over. This fee will apply to both  
14 Maine registered trucks and those registered in other  
15 states. The original legislation provided for a \$3 fee for  
16 Maine trucks and \$40 for out-of-state trucks.

17 The bill also requires a study of the administration of  
18 truck-related permits and licenses.

19 The bill also establishes an effective date of April 1,  
20 1982.

21 It is estimated that this bill will generate \$2,600,000  
22 during the biennium for the Highway Fund.

23 4649020482