

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 28

H.P. 28

House of Representatives, January 4, 2001

Resolve, to Extend the Commission to Study Equity in the Distribution of Gas Tax Revenues Attributable to Snowmobiles, All-terrain Vehicles and Watercraft.

(EMERGENCY)

Reported by Representative DUNLAP for the Commission to Study Equity in the Distribution of Gas Tax Revenues Attributable to Snowmobiles, All-terrain Vehicles and Watercraft pursuant to Resolve 1999, chapter 131.

Reference to the Joint Standing Committee on Inland Fisheries and Wildlife suggested and printing ordered under Joint Rule 218.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

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

4
6 **Whereas,** the Commission to Study Equity in the Distribution
of Gas Tax Revenues Attributable to Snowmobiles, All-terrain
Vehicles and Watercraft was created by Resolve 1999, chapter 131,
8 with a final reporting date of December 6, 2000; and

10 **Whereas,** that commission was authorized to undertake
research as necessary to collect and update information on the
12 amount and type of fuel purchased for and consumed within this
State by snowmobiles, all-terrain vehicles and motorboats and
14 information on the amount and type of fuel purchased in this
State for those vehicles and consumed outside the jurisdiction of
16 this State; and

18 **Whereas,** that commission has authorized surveys to
determine the amount of gasoline consumed by snowmobiles,
20 all-terrain vehicles and watercraft; and

22 **Whereas,** the information obtained through those surveys is
essential for the commission to fulfill its charge of determining
24 the equitable distribution of gas tax revenues generated by
snowmobiles, all-terrain vehicles and motorboats; and

26 **Whereas,** it is critical to the validity of the survey
results that adequate time be allowed to develop the survey
28 methodology and the survey questionnaire, to select the random
sample of survey participants, to administer the survey and to
30 analyze the survey results; and

32 **Whereas,** the successful completion of that work requires
34 that the commission be extended until December 6, 2001, for the
purpose of providing policy oversight of those survey efforts and
36 to submit its findings and recommendations to the Second Regular
Session of the 120th Legislature; and

38 **Whereas,** in the judgment of the Legislature, these facts
40 create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
42 necessary for the preservation of the public peace, health and
safety; now, therefore, be it

44
46 **Sec. 1. Commission established. Resolved:** That the Commission
to Study Equity in the Distribution of Gas Tax Revenues
Attributable to Snowmobiles, All-terrain Vehicles and Watercraft,
48 referred to in this resolve as the "commission," is established;
and be it further

50

2 **Sec. 2. Commission membership; appointed and ex officio members.**

3 **Resolved:** That the commission consists of 15 appointed members
4 and up to 3 ad-hoc members as follows.

5 **1. Legislative members reappointed.** The legislative
6 members who were appointed pursuant to Resolve 1999, chapter 131,
7 who are members of the 120th Legislature are members of this
8 commission.

9 **2. Filling of legislative vacancies.** The President of the
10 Senate shall appoint 3 members of the Senate to replace the
11 members of the Senate appointed pursuant to Resolve 1999, chapter
12 131, who are not members of the 120th Legislature. When making
13 those appointments, the President of the Senate shall give
14 preference to members from the joint standing committees of the
15 Legislature having jurisdiction over inland fisheries and
16 wildlife matters, transportation matters and taxation matters;
17

18 **3. Ex officio members.** The following persons are ex
19 officio voting members:

20 A. The Commissioner of Conservation or the commissioner's
21 designee;

22 B. The Commissioner of Marine Resources or the
23 commissioner's designee;

24 C. The Commissioner of Inland Fisheries and Wildlife or the
25 commissioner's designee;

26 D. The Commissioner of Transportation or the commissioner's
27 designee; and

28 E. The Director of the Bureau of Revenue Services within
29 the Department of Administrative and Financial Services or
30 the director's designee.

31 **4. Ad hoc members.** Persons who were appointed by the
32 President of the Senate or the Speaker of the House pursuant to
33 Resolve 1999, chapter 131, who are not elected members of the
34 120th Legislature may serve as nonvoting ad hoc members of the
35 commission; and be it further

36 **Sec. 3. Appointments; meetings. Resolved:** That all
37 appointments must be made no later than 30 days after the
38 effective date of this resolve. The appointing authorities shall
39 notify the Executive Director of the Legislative Council once the
40 appointments have been made. The Executive Director of the
41 Legislative Council shall notify the chairs when all appointments
42 have been made. The chairs of the commission shall call and

2 convene the first meeting of the commission any time after the
3 effective date of this resolve; and be it further

4 **Sec. 4. Duties. Resolved:** That the commission shall fulfill
5 all the duties required by Resolve 1999, chapter 131 and shall:

6
7 **1. Oversee contracts.** Oversee the surveys of gasoline
8 consumption by all-terrain vehicles, snowmobiles and watercraft
9 undertaken by the Margaret Chase Smith Center for Public Policy
10 at the University of Maine pursuant to a cooperative agreement
11 between the university and the Department of Conservation, the
12 Department of Inland Fisheries and Wildlife, the Department of
13 Marine Resources and the Department of Transportation as provided
14 in a contract among those entities signed in November 2000. That
15 oversight must include regular meetings during 2001 with the
16 university and interested parties to assist in the development of
17 the surveys and to review and discuss the results of each survey;

18
19 **2. Seek input.** Seek input from the public; from
20 organizations representing snowmobile, all-terrain vehicle and
21 watercraft users, including the Maine Snowmobile Association,
22 groups representing all-terrain vehicle users and the Maine
23 Marine Trade Association; and from any other interested
24 individuals or organizations. In seeking that input, the
25 commission shall, within its budgeted resources, hold its
26 meetings in geographically diverse locations throughout the State;

27
28 **3. Strategic boating plan.** Review and report on any
29 updates or supplemental information prepared by the Department of
30 Inland Fisheries and Wildlife, the Department of Conservation or
31 the Department of Marine Resources pertaining to the strategic
32 boating plan prepared by those agencies pursuant to Resolve 1999,
33 chapter 131; and

34
35 **4. Collect other data.** Collect other data and make other
36 recommendations the commission considers appropriate on the issue
37 of off-road fuel consumption or on any other matter pertaining to
38 off-road recreational vehicle use; and be it further

39
40 **Sec. 5. Report. Resolved:** That the commission shall submit
41 its report, together with any recommended implementing
42 legislation, to the Second Regular Session of the 120th
43 Legislature no later than December 6, 2001. If the commission
44 requires an extension of time to make its report, it may apply to
45 the Legislative Council, which may grant the extension; and be it
46 further

47
48 **Sec. 6. Staff assistance. Resolved:** That, upon approval of the
49 Legislative Council, the Office of Policy and Legal

Analysis shall provide staffing assistance to the commission. The Office of Fiscal and Program Review and the Department of Transportation, the Department of Marine Resources, the Department of Inland Fisheries and Wildlife, the Department of Conservation and the Department of Administrative and Financial Services, Bureau of Revenue Services shall also provide assistance as requested by the commission; and be it further

Sec. 7. Compensation. Resolved: That the members of the commission who are Legislators are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the commission. Other members of the commission, including ad hoc members, who are not compensated by their employers or other entities that they represent are entitled to receive reimbursement for travel and other necessary expenses related to their attendance at authorized meetings; and be it further

Sec. 8. Budget. Resolved: That the chairs of the commission, with assistance from the commission staff, shall administer the commission's budget. The commission may not incur expenses exceeding its approved budget. Upon request from the commission, the Executive Director of the Legislative Council shall promptly provide the commission and its staff with a status report on the commission's budget, expenditures incurred and remaining available funds; and be it further

Sec. 9. Appropriations carried over. Resolved: That funds appropriated to the commission by Resolve 1999, chapter 131 that are unexpended are carried forward to fiscal year 2001-02 to be used for the purposes specified in that resolve and in this resolve.

Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.

SUMMARY

This emergency resolve authorizes for an additional year, until December 6, 2001, the Commission to Study Equity in the Distribution of Gas Tax Revenues Attributable to Snowmobiles, All-terrain Vehicles and Watercraft. That commission was originally authorized during the Second Regular Session of the 119th Legislature pursuant to Resolve 1999, chapter 131.

This resolve reappoints the 5 ex officio members of the commission appointed during the 119th Legislature and retains the

2 legislative members appointed during the 119th Legislature who
are now members of the 120th Legislature. Members who were
4 appointed as legislative members in 1999 but who are no longer
members of the Legislature are entitled to serve as ad hoc
6 members of the commission during 2001.

8 No additional funding is requested in this resolve, although
the resolve does carry forward all unexpended balances
10 appropriated in Resolve 1999, chapter 131, to be used by the
commission during 2001 to complete its responsibilities.