

MAINE STATE LEGISLATURE

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(EMERGENCY)
(After Deadline)
FIRST REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document No. 1378

H.P. 1055 House of Representatives, March 30, 1983

Reference to the Committee on Transportation is suggested. Ordered printed and sent up for concurrence.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

EDWIN H. PERT, Clerk

Presented by Representative Carroll of Limerick.

Cosponsors: Senator Wood of York, Senator Danton of York and Representative Higgins of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-THREE

AN ACT Making Unified Appropriations and Allocations for the Expenditures of State Government (Highway Fund) and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1984, and June 30, 1985.

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

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of state departments and institutions will become due and payable immediately; and

1 Savings accrued within appropriations or alloca-
2 tions made for Personal Services may be used for pay-
3 ment of nonrecurring Personal Services costs, such as
4 those relating to: Unbudgeted overtime; acting capac-
5 ity appointment; retroactive compensation for
6 reclassifications or reallocations; retroactive or
7 one-time settlements related to arbitrator or court
8 decisions; and required additional retirement contri-
9 butions, when recommended by the department or agency
10 head and approved by the State Budget Officer.

11 The amounts appropriated or allocated for Per-
12 sonal Services include funds for the state's share of
13 state employees' retirement. The State Controller
14 shall transfer the state's share to the Maine State
15 Retirement System as soon as practicable after each
16 payroll is paid.

17 Sec. 4. Workers' compensation positions. Limited
18 period positions may be established for former
19 regular employees of the State who are presently
20 receiving workers' compensation payments from the
21 State when such action will enable these employees to
22 return to productive employment with the State. These
23 positions may be established, providing funds are
24 available, only until such time as these employees
25 can be returned to regular positions.

26 Notwithstanding any other restriction on funds
27 appropriated or allocated, the State Budget Officer
28 may, if he determines that funds are available,
29 either approve the use of these funds or recommend
30 appropriate action to the Governor when his approval
31 is required.

32 Available funds may include amounts appropriated
33 or allocated for Personal Services, including funds
34 in any salary account or special account for state
35 employee salary increases, All Other, Capital
36 Expenditures.

37 Sec. 5. Personal Services policy and review. The
38 Bureau of the Budget, during this biennium, shall
39 continually review with all departments the status of
40 their manpower levels and staffing patterns for the
41 purpose of determining whether funds and positions
42 are being utilized and managed in the most economical

1 and efficient manner to accomplish the intent of the
2 Legislature. Permanent positions for which funds are
3 appropriated or allocated shall be classified posi-
4 tions, unless specifically designated otherwise by
5 the Legislature. It shall be the responsibility of
6 the Commissioner of Personnel and the State Budget
7 Officer to ensure that classified and unclassified
8 positions are assigned to a proper pay grade within
9 authorized funds.

10 **Sec. 6. Personal Services flexibility.** Any clas-
11 sification or reclassification of a position and any
12 allocation or reallocation of a position within the
13 compensation plan made by the Commissioner of Person-
14 nel pursuant to the Personnel Law and Rules shall
15 become effective on the first day of the fiscal year
16 following approval by the State Budget Officer and
17 the appropriation or allocation of funds therefor,
18 except that the State Budget Officer may, if he
19 determines that sufficient funds exist, authorize an
20 effective date prior to the first day of the ensuing
21 fiscal year. Copies of all actions and certifications
22 shall be furnished to the Legislative Finance Offi-
23 cer.

24 **Sec. 7. Merit rating required.** It is declared to
25 be the policy of the State that in those instances
26 where annual merit increases are earned and warranted
27 as evidenced by the performance appraisals, they
28 shall be awarded. In those instances where these
29 increases are not earned and warranted, they shall be
30 denied.

31 In furtherance of this policy, the Commissioner
32 of Personnel, utilizing a form or forms prescribed by
33 the commissioner, is directed to require annual merit
34 ratings on all employees, regardless of whether or
35 not the employee is eligible or recommended for a
36 merit increase. The form or forms prescribed by the
37 commissioner, in addition to a performance appraisal
38 section, shall include a section wherein each proba-
39 tionary employee's supervisor shall indicate the
40 extent to which the employee has been oriented to the
41 duties and responsibilities of his position. In every
42 instance where an employee is not awarded a merit
43 increase, a record of the reasons therefor and the
44 actions recommended by the employee's supervisor to

1 correct deficiencies, if any, shall be recorded in
2 the performance appraisal.

3 The Commissioner of Personnel is also directed to
4 develop and install a training program for super-
5 visory personnel, including appropriate guides and
6 manuals, which shall ensure that all evaluators
7 charged with the responsibility of doing employee
8 merit ratings shall do so fairly and equitably, one
9 employee to the next and one organizational unit to
10 another.

11 The Commissioner of Personnel shall supply to the
12 State Personnel Board all data necessary to monitor
13 and evaluate the performance appraisal system,
14 including data regarding the percentage and distribu-
15 tion of merit increases. The board, pursuant to its
16 powers under the Revised Statutes, Title 5, section
17 592, shall review the operation of the performance
18 evaluation system and make such recommendations and
19 render such advise to the Commissioner of Personnel
20 as may be necessary to carry out the purposes of this
21 Act.

22 The Commissioner of Personnel shall forward to
23 the Joint Standing Committee on State Government the
24 findings and recommendations of the State Personnel
25 Board, annually, prior to the start of the legis-
26 lative session.

27 **Sec. 8. Number of necessary employees.** The Gov-
28 ernor and the State Budget Officer when next prepar-
29 ing budget proposals for the Legislature may at their
30 discretion adjust the figures in parentheses, repre-
31 senting numbers of positions, to reflect the number
32 of positions which in their opinion are necessary to
33 the proper operation of each department, institution
34 or agency.

35 **Sec. 9. New or expanded programs.** No department
36 may establish new programs or expand existing pro-
37 grams beyond the scope of those programs already
38 established, recognized and approved by the Legis-
39 lature, until the program and the method of financing
40 are submitted to the Bureau of the Budget for evalu-
41 ation and recommendation to the Legislature and until
42 funds are made available therefor by the Legislature.

1 **Sec. 10. Federally-funded programs.** It is the
2 intent of the Legislature that in the event federal
3 funds are not available as anticipated for programs
4 in this Act, there is no obligation to provide state
5 funds in excess of those listed in this Act. Posi-
6 tions entirely or partially funded by federal or
7 other than state sources of funds shall be considered
8 as limited period positions.

9 **Sec. 11. Travel limitations.** It is the intent of
10 the Legislature that out-of-state travel be limited.
11 Any state employee who travels out of state on state
12 business, such as law enforcement, collecting, bid-
13 ding, industrial development or loans, may continue
14 to do so. The Legislature directs that department
15 heads hold down cost of all travel where it is not
16 absolutely needed. Any state employee who travels in
17 state shall not be reimbursed for noon meals, unless
18 the meal is part of an organized meeting or program
19 or overnight travel.

20 **Sec. 12. Equipment to be reviewed.** The Commis-
21 sioner of Finance and Administration, through the
22 State Purchasing Agent or such other agent as he may
23 choose, shall conduct a thorough review of all types
24 of equipment owned, leased or otherwise available to
25 the several departments and agencies of the State,
26 regardless of the source of supporting funds, combin-
27 ing their use, providing centralized facilities or
28 eliminating existing equipment and facilities, as he
29 believes to be in the most economical, most efficient
30 and best interests of the State. The Commissioner
31 of Finance and Administration may develop and insti-
32 tute such review and control mechanisms as are neces-
33 sary to ensure that capital equipment purchases
34 authorized by the Legislature are consistent with the
35 intent for which funds were recommended and made
36 available.

37 **Sec. 13. Motor vehicle replacement policy.** The
38 State Purchasing Agent is directed to require that
39 requisitions for replacement motor vehicles include
40 the age and total mileage of the motor vehicle being
41 replaced. For the purposes of this section, motor
42 vehicles are defined as passenger cars, panel and
43 pickup trucks, excluding those vehicles authorized
44 and assigned for pursuit purposes. Under no circum-

1 stances are any state vehicles to be used primarily
2 for commuting purposes. It is the intent of the
3 Legislature that motor vehicles shall have been in
4 service for at least 5 years or 75,000 miles before
5 they are replaced. This policy shall also be adopted
6 by the State Budget Officer when next preparing a
7 budget document. Exceptions to the established re-
8 placement policy shall require the prior approval of
9 the Commissioner of Finance and Administration. The
10 Commissioner of Finance and Administration may also
11 set appropriate standards with regard to motor vehi-
12 cle type, size and equipment and direct that all
13 motor vehicles be purchased in accordance with an
14 established commodity calendar.

15 **Sec. 14. Significant action recommended by the**
16 **State Budget Officer.** The Bureau of the Budget shall
17 inform the Joint Standing Committee on Transporta-
18 tion, through the Legislative Finance Office, of sig-
19 nificant action recommended by the bureau in the per-
20 formance of the budget responsibilities assigned.

21 **Sec. 15. State Cost Allocation Program.** The
22 State Cost Allocation Program shall annually identify
23 the kind and cost of central services furnished to
24 each state agency from General Fund appropriations.
25 The non-General Fund portion of each agency shall be
26 assessed for these services as determined by the
27 State Cost Allocation Program procedures to the
28 extent these payments are not expressly prohibited by
29 state or federal law or by the terms of a gift or
30 donation made to the State from private sources.
31 These payments shall be credited to the General Fund
32 as undedicated revenue. The State Budget Officer may
33 adjust this assessment to any individual account.

34 **Sec. 16. Unified state budget.** The Governor,
35 when submitting the budget to the Legislature, shall
36 submit the budget document and the General Fund and
37 Highway Fund bills in a manner that will identify the
38 gross amount of resources for each program. The gross
39 unified budget bills and budget document shall encom-
40 pass resources from all funds, including, but not
41 limited to: General Fund, Highway Fund, Federal Fund,
42 Federal Block Grant Fund and other special revenue
43 funds. Separate gross unified budget bills shall be
44 submitted for the General Fund and the Highway Fund.

1 Sec. 17. Line category amounts of General Fund
2 and Highway Fund. The amounts included in the
3 unified state budget by line category are the amounts
4 included immediately under the appropriations' section
5 and allocations' section of the individual pages in
6 the budget document for the General Fund and the
7 Highway Fund. These amounts, as adjusted by the
8 Legislature, will be used when preparing work pro-
9 grams by fund for each fiscal year of the biennium.

10 Sec. 18. Multiple accounts certification. If
11 any amounts identified to a fund in the source of
12 funds section are to be distributed to more than one
13 account within that fund, the department or agency
14 head responsible for those funds shall certify to the
15 State Budget Officer the amounts included in each ac-
16 count by line category and, additionally, shall cer-
17 tify that the sum of the accounts by fund, by line
18 category, equals the approved totals of the program
19 within the Act.

20 Sec. 19. Year-end closing. The State Controller
21 may close the books as soon as practicable after the
22 close of the fiscal years ending June 30, 1984, and
23 June 30, 1985. Any bills presented after those dates
24 may be paid from appropriations and allocations for
25 the ensuing year on recommendation of the State Con-
26 troller if within the amounts of approved allotments.

27 Sec. 20. Appropriation and allocation balances
28 at year end. At the end of each fiscal year, all
29 unencumbered allocation balances representing state
30 moneys, except those that carry forward as provided
31 by law, shall lapse to surplus as provided by the
32 Revised Statutes, Title 23, section 1652. At the end
33 of each fiscal year, all encumbered balances shall
34 not be carried more than once, except in those ac-
35 counts which carry forward from year to year by law.

36 Sec. 21. Allocation of funds. Other Special
37 Revenue Funds, Other Highway Funds, Miscellaneous
38 Funds and General Funds appearing in this Act are
39 only included for the purpose of showing the total
40 available to an account and shall not be considered
41 allocated in this Act.

1 Sec. 22. Other appropriation and allocation mea-
 2 sures. It is intended that the language in the pre-
 3 ceding sections of this Act, except section 21, shall
 4 apply to All Other appropriation and allocation mea-
 5 sures enacted by the Legislature.

	<u>1983-84</u>	<u>1984-85</u>
6		
7	<u>BUSINESS REGULATION,</u>	
8	<u>DEPARTMENT OF</u>	
9	Claims Board	
10	Personal Ser-	
11	vices	\$ 74,457
12	All Other	25,950
13	Total Appro-	28,875
14	priation -	
15	Allocation	100,407
16	The allocation	
17	for Personal	
18	Services	
19	reflects a new	
20	rate for per	
21	diem established	
22	by this Act.	
23	SOURCE:	
24	Positions	(2)
25	Highway Fund	100,407
26	BUSINESS REGULATION,	103,974
27	DEPARTMENT OF	
28	TOTAL	\$100,407
29	<u>FINANCE AND ADMINIS-</u>	
30	<u>TRATION, DEPARTMENT</u>	
31	<u>OF</u>	
32	State Police Head-	
33	quarters Building	
34	Maintenance	
35	Personal Ser-	
36	vices	\$ 69,803
37	All Other	55,150
38	Total Appro-	70,860
39	priation -	60,890

1	Allocation	124,953	131,750
2	SOURCE:		
3	General Fund	31,238	32,938
4	Positions	(5)	(5)
5	Highway Fund	<u>93,715</u>	<u>98,812</u>
6	Total by		
7	Source	124,953	131,750
8	Transportation		
9	Building Maintenance		
10	Personal Services		
11	Personal Services	243,279	247,642
12	All Other	<u>202,632</u>	<u>222,905</u>
13	Total Appropriation -		
14	Allocation	445,911	470,547
15	SOURCE:		
16	Positions	(15)	(15)
17	Highway Fund	445,911	470,547
18	FINANCE AND ADMINIS-		
19	TRATION, DEPARTMENT		
20	OF		
21	TOTAL	\$ 570,864	\$ 602,297
22			
23	<u>PUBLIC SAFETY,</u>		
24	<u>DEPARTMENT OF</u>		
25	Motor Vehicle		
26	Inspection		
27	Personal Services	\$ 185,342	\$ 186,240
28	All Other	140,579	69,315
29	Capital		
30	Expenditures	<u>30,000</u>	<u>10,000</u>
31	Total Appropriation -		
32	Allocation	355,921	265,555
33	SOURCE:		
34	Positions	(7)	(7)
35	Highway Fund	355,921	265,555

1	Safety Program		
2	Personal Ser-		
3	vices	205,323	208,113
4	All Other	528,445	544,577
5	Capital		
6	Expenditures	<u>955</u>	<u> </u>
7	Total Appro-		
8	priation -		
9	Allocation	734,723	752,690
10	SOURCE:		
11	General Fund	229,950	231,987
12	Federal		
13	Expenditure		
14	Fund	281,063	280,073
15	Positions	(10)	(10)
16	Highway Fund	164,920	177,815
17	Other High-		
18	way Fund	<u>58,790</u>	<u>62,815</u>
19	Total by		
20	Source	734,723	752,690
21	Motor Carrier		
22	Safety		
23	Personal Ser-		
24	vices	370,010	376,178
25	All Other	69,186	72,038
26	Capital		
27	Expenditures	<u>14,600</u>	<u>3,800</u>
28	Total Appro-		
29	priation -		
30	Allocation	453,796	452,016
31	SOURCE:		
32	Positions	(20)	(20)
33	Other High-		
34	way		
35	Fund	453,796	452,016
36	State Police		
37	Personal Ser-		
38	vices	11,615,414	11,726,793
39	All Other	3,766,029	3,910,763
40	Capital		
41	Expenditures	<u>809,570</u>	<u>297,930</u>
42	Total Appro-		
43	priation -		

1	Allocation	16,191,013	15,935,486
2	SOURCE:		
3	Positions	(414)	(414)
4	General Fund	4,263,067	4,186,562
5	Federal		
6	Expenditure		
7	Fund	73,000	73,000
8	Positions	(4)	(4)
9	Other Spe-		
10	cial Revenue		
11	Fund	90,721	94,421
12	Highway Fund	11,072,733	10,858,196
13	Other High-		
14	way Fund	<u>691,492</u>	<u>723,307</u>
15	Total by		
16	Source	16,191,013	15,935,486
17	Provides High-		
18	way Fund share		
19	of 5 new posi-		
20	tions and		
21	reclassifications		
22	which amount to		
23	\$110,560 in		
24	fiscal year		
25	1984 and		
26	\$92,750 in		
27	fiscal year		
28	1985. These		
29	positions shall		
30	not be estab-		
31	lished and		
32	funds shall not		
33	be expended		
34	unless matched		
35	by the appro-		
36	priate General		
37	Fund share.		
38	Trip Permit Con-		
39	trol		
40	Personal Ser-		
41	vices	185,532	185,861

1	All Other	29,173		29,656
2	Capital			
3	Expenditures	<u>22,200</u>		<u>25,700</u>
4	Total Appro-			
5	priation -			
6	Allocation	236,905		241,217
7	SOURCE:			
8	Positions	(6)		(6)
9	Highway Fund	236,905		241,217
10	PUBLIC SAFETY,			
11	DEPARTMENT OF			
12	TOTAL	\$ 17,972,358		\$ 17,646,964
13	<u>MAINE STATE RETIRE-</u>			
14	<u>MENT SYSTEM, BOARD</u>			
15	<u>OF TRUSTEES OF THE</u>			
16	Retirement System			
17	- Retirement			
18	Allowance Fund			
19	All Other	\$ 88,544,847		\$ 90,293,664
20	SOURCE:			
21	General Fund	993,534		992,351
22	Highway Fund	451,313		451,313
23	Miscellaneous			
24	Funds	<u>87,100,000</u>		<u>88,850,000</u>
25	Total by			
26	Source	88,544,847		90,293,664
27	MAINE STATE RETIRE-			
28	MENT SYSTEM, BOARD			
29	OF TRUSTEES OF THE			
30	TOTAL	\$ 88,544,847		\$ 90,293,664
31		<u>1982-83</u>	<u>1983-84</u>	<u>1984-85</u>
32	<u>SECRETARY OF</u>			
33	<u>STATE, DEPART-</u>			
34	<u>MENT OF</u>			
35	Motor Vehicles			
36	Personal			
37	Services	\$55,867	\$5,079,515	\$5,176,847
38	All Other	2,838	2,519,413	2,530,129

1	Capital			
2	Expenditures		<u>128,465</u>	<u>138,760</u>
3	Total Appro-			
4	priation-			
5	Allocation	58,705	7,727,393	7,845,736
6	SOURCE:			
7	Federal			
8	Expenditure			
9	Fund		9,427	9,621
10	Positions		(302)	(302)
11	Highway Fund	58,705	6,014,966	6,133,115
12	Other High-			
13	way Fund		<u>1,703,000</u>	<u>1,703,000</u>
14	Total by			
15	Source	58,705	7,727,393	7,845,736
16	Fuel Use Decal			
17	Program			
18	Personal			
19	Services		113,967	117,445
20	All Other		<u>101,316</u>	<u>101,515</u>
21	Total Appro-			
22	priation -			
23	Allocation		215,283	218,960
24	SOURCE:			
25	Positions		(8)	(8)
26	Highway Fund		215,283	218,960
27	SECRETARY OF			
28	STATE, DEPART-			
29	MENT OF			
30	TOTAL	\$58,705	\$7,942,676	\$8,064,696
31	<u>TRANSPORTATION,</u>			
32	<u>DEPARTMENT OF</u>			
33	Administration			
34	and Planning			
35	Personal			
36	Services		\$4,135,254	\$4,209,560
37	All Other		2,426,860	2,416,393
38	Capital			
39	Expenditures		<u>120,000</u>	<u>120,000</u>

1	Total Appro-		
2	priation -		
3	Allocation	6,682,114	6,745,953
4			
5	SOURCE:		
6	Federal		
7	Expenditure		
8	Fund	1,452,000	1,463,205
9	Positions	(230)	(230)
10	Highway Fund	5,200,114	5,252,748
11	Other High-		
12	way Fund	<u>30,000</u>	<u>30,000</u>
13	Total by		
14	Source	6,682,114	6,745,953
15	Bond Interest		
16	- Highway		
17	All Other	6,305,847	6,153,480
18	SOURCE:		
19	Highway Fund	6,305,847	6,153,480
20	Bond Retire-		
21	ment - Highway		
22	All Other	7,460,000	7,025,000
23	SOURCE:		
24	Highway Fund	7,460,000	7,025,000
25	Highway and		
26	Bridge		
27	Improvement		
28	Personal		
29	Services	14,958,531	14,958,531
30	All Other	2,060,000	2,060,000
31	Capital		
32	Expenditures	<u>54,581,469</u>	<u>56,581,469</u>
33	Total Appro-		
34	priation -		
35	Allocation	71,600,000	73,600,000
36	SOURCE:		
37	Federal		
38	Expenditure		
39	Fund	65,915,000	65,915,000
40	Positions	(594)	(594)

1	Highway Fund	4,000,000	6,000,000
2	Other High-		
3	way Fund	<u>1,685,000</u>	<u>1,685,000</u>
4	Total by		
5	Source	71,600,000	73,600,000
6	Highway		
7	Maintenance		
8	Personal		
9	Services	21,600,000	21,701,598
10	All Other	22,893,000	22,691,000
11	Capital		
12	Expenditures	<u>5,150,000</u>	<u>5,150,402</u>
13	Total Appro-		
14	priation -		
15	Allocation	49,643,000	49,543,000
16	SOURCE:		
17	Positions	(100)	(100)
18	Highway Fund	49,468,000	49,368,000
19	Other High-		
20	way Fund	<u>175,000</u>	<u>175,000</u>
21	Total by		
22	Source	\$49,643,000	\$49,543,000
23	Bridge Mainte-		
24	nance		
25	Personal		
26	Services	3,465,500	3,465,500
27	All Other	1,773,500	1,773,500
28	Capital		
29	Expenditures	<u>261,000</u>	<u>261,000</u>
30	Total Appro-		
31	priation -		
32	Allocation	5,500,000	5,500,000
33	SOURCE:		
34	Positions	(16)	(16)
35	Highway Fund	5,500,000	5,500,000
36	Traffic Ser-		
37	vices		
38	Personal		
39	Services	989,200	1,009,700
40	All Other	1,893,800	1,873,300
41	Capital		
42	Expenditures	<u>17,000</u>	<u>17,000</u>

1	Total Appro-			
2	priation -			
3	Allocation		2,900,000	2,900,000
4	SOURCE:			
5	Positions		(18)	(18)
6	Highway Fund		2,900,000	2,900,000
7	Island Town			
8	Refunds -			
9	Highway			
10	All Other		20,000	20,000
11	SOURCE:			
12	Highway Fund		20,000	20,000
13	Radio Opera-			
14	tions - High-			
15	way			
16	Personal			
17	Services		111,161	115,731
18	All Other		58,839	57,269
19	Capital			
20	Expenditures		<u>80,000</u>	<u>47,000</u>
21	Total Appro-			
22	priation -			
23	Allocation		250,000	220,000
24	SOURCE:			
25	Positions		(6)	(6)
26	Highway Fund		250,000	220,000
27		<u>1982-83</u>	<u>1983-84</u>	<u>1984-85</u>
28	State Aid			
29	Highway Con-			
30	struction			
31	Capital			
32	Expenditures	3,600,000	4,700,000	2,000,000
33	Total			
34	Appropriation			
35	- Alloca-			
36	tion	3,600,000	4,700,000	2,000,000
37	SOURCE:			
38	Positions		(35)	(35)
39	Highway			
40	Fund	3,600,000	2,700,000	

1	Other			
2	Highway			
3	Fund		2,000,000	2,000,000
4	Total by			
5	Source	3,600,000	4,700,000	2,000,000
6	Highway-Local			
7	Road Assis-			
8	tance Program			
9	All Other		11,600,000	11,600,000
10	SOURCE:			
11	Highway			
12	Fund		11,600,000	11,600,000
13	Highway-Collector			
14	Road Program			
15	Personal			
16	Services		980,000	1,920,000
17	All Other		1,780,000	3,720,000
18	Capital			
19	Expenditures		<u>240,000</u>	<u>360,000</u>
20	Total			
21	Appropriation			
22	- Alloca-			
23	tion		3,000,000	6,000,000
24	SOURCE:			
25	Highway			
26	Fund		3,000,000	6,000,000
27	TRANSPORTATION,			
28	DEPARTMENT OF			
29	TOTAL	\$3,658,705	\$169,660,961	\$171,307,433
30	GRAND TOTAL	\$3,658,705	\$284,792,113	\$288,019,028
31	SOURCE:			
32	Highway			
33	Fund	3,658,705	117,556,035	119,058,732
34	Other			
35	Highway			
36	Fund		6,797,078	6,831,138
37	General			
38	Fund		5,517,789	5,443,838

1	Federal			
2	Expenditure			
3	Fund		67,730,490	67,740,899
4	Other Spe-			
5	cial Reve-			
6	nue Fund		90,721	94,421
7	Miscellaneous			
8	Funds	_____	<u>87,100,000</u>	<u>88,850,000</u>
9	Total by			
10	Source	\$3,658,705	\$284,792,113	\$288,019,028

11 Sec. 23. Committee to study the equity of the
12 minimum provisions of the Local Road Assistance Pro-
13 gram. There is established a committtee to study and,
14 if appropriate, to recommend proposed legislation
15 dealing with the issue of equity as it relates to the
16 minimum reimbursement provisions of the Local Road
17 Assistance Program as defined in Title 23, section
18 1803, subsection 2. The committee shall be composed
19 of the Commissioner of Transportation as chairman,
20 one Legislator appointed by the Speaker of the House
21 of Representatives, one Legislator appointed by the
22 President of the Senate and 3 members to be appointed
23 by the Commissioner of Transportation acting upon
24 recommendations of the Maine Municipal Association.

25 The committee shall report its findings and any
26 recommendations for proposed legislation to the Joint
27 Standing Committee on Transportation prior to Febru-
28 ary 1, 1984.

29 Sec. 24. 23 MRSA §152, 2nd ¶, as amended by PL
30 1975, c. 771, §236, is further amended to read:

31 The Governor shall set the rate of pay on a per
32 diem basis, not to exceed \$100, which each member of
33 the State Claims Board shall receive and they shall
34 be remunerated for all expenses necessarily incurred
35 in the performance of their official duties.

36 PART B

37 Sec. 1. 29 MRSA §1, sub-§3-F is enacted to read:

38 3-F. Farming and agriculture. "Farming and agri-
39 culture" means engaging in farming in all its
40 branches and the cultivation and tillage of the soil

1 as a livelihood to include dairying; the raising of
2 livestock, fresh water fish, fur-bearing animals, or
3 poultry; the production, cultivation, growing and
4 harvesting of any fruit produce, floricultural or
5 horticultural commodities or any practices on the
6 farm as an incident to or in conjunction with these
7 farming operations. For the purposes of this section,
8 farming and agriculture shall not include forestry or
9 the growing of timber or operating a farm for recrea-
10 tional activity.

11 Sec. 2. 29 MRSA §1, sub-§5-C is enacted to read:

12 5-C. Motor home. "Motor home" means a motor vehi-
13 cle that:

14 A. Is originally designed, reconstructed or
15 permanently altered to provide facilities for
16 human habitation; or

17 B. Has a camper permanently attached to it.

18 Sec. 3. 29 MRSA §1, sub-§14 is amended to read:

19 14. Special mobile equipment. "Special mobile
20 equipment" shall mean every self-propelled vehicle
21 not designed or used primarily for the transportation
22 of persons or property ~~and incidentally~~ but which are
23 operated ~~or~~ moved over the highways, including road
24 construction or maintenance machinery, ditch-digging
25 apparatus, stone crushers, air compressors, power
26 shovels, cranes, graders, rollers, trucks used only
27 as snowplows and for carrying sand for ballast only,
28 well drillers and wood-sawing equipment used for
29 hire. This enumeration shall be deemed partial and
30 shall not operate to exclude other such vehicles
31 which are within the general terms of this section.

32 This equipment shall be divided into Class A equip-
33 ment that makes frequent movement over the general
34 highways and Class B equipment whose operation or
35 movement over the general highways is restricted. Of
36 this equipment, self-propelled well drillers and air
37 compressors shall be considered as Class A. All other
38 equipment shall be considered as Class B.

39 Sec. 4. 29 MRSA §244, 5th ¶ is amended to read:

1 Only one trailer or semitrailer shall be drawn by
2 a motor vehicle; except that combinations of truck
3 tractor, semitrailer and full trailer may be operated
4 on the Interstate Highway System and those qualifying
5 federal aid primary system highways designated by the
6 Secretary of the United States Department of Trans-
7 portation, pursuant to the United States Surface
8 Transportation Assistance Act of 1982, Public Law
9 97-424, Section 411; provided that driveaway, towaway
10 operations, as defined by the Public Utilities Com-
11 mission, may include a combination of saddlemount
12 vehicles not to exceed 3 units in contact with sur-
13 face of the highway.

14 Sec. 5. 29 MRSA §244, as amended by PL 1981, c.
15 492, Pt. E, §§3 to 7, is further amended by adding
16 after the 5th paragraph a new paragraph to read:

17 A semitrailer converted to a trailer by use of a
18 converter dolly shall remain a semitrailer for all
19 other purposes in this Title and such a combination
20 shall be considered as one vehicle while so con-
21 ected.

22 Sec. 6. 29 MRSA §244, 6th ¶, sub-§2, as amended
23 by PL 1979, c. 97, is further amended to read:

24 2. Combination tractor-trailer; exceptions. A
25 combination of truck tractor and full trailer or
26 truck tractor and semitrailer shall not exceed 60
27 feet in length, including all structural parts
28 thereof, permanent or temporary, providing that the
29 trailer or semitrailer shall not exceed 45 feet in
30 length, except that:

31 B. ~~That the~~ The load on such vehicle combina-
32 tions utilized exclusively for the transportation
33 of tree length logs may extend beyond 60 feet by
34 8 1/2 feet, provided that not more than 25% of
35 the length of such logs shall extend beyond the
36 body of such vehicle combination-;

37 C. A combination of truck tractor and full
38 trailer or truck tractor semitrailer may be oper-
39 ated on the Interstate Highway System and those
40 qualifying federal aid primary system highways
41 designated pursuant to the United States Surface

1 Transportation Assistance Act of 1982, Public Law
2 97-424, Section 411, with an overall length in
3 excess of 60 feet, provided that the trailer or
4 semitrailer shall not exceed 48 feet in length;
5 or

6 D. A combination of truck tractor, semitrailer
7 and full trailer may be operated on the inter-
8 state highway system and those qualifying federal
9 aid primary system highways designated by the
10 Secretary of the United States Department of
11 Transportation, pursuant to the United States
12 Surface Transportation Assistance Act of 1982,
13 Public Law 97-424, Section 411, with an overall
14 length in excess of 60 feet, provided that no
15 semitrailer or trailer operating in such vehicle
16 combination shall exceed 28.5 feet in length.

17 Sec. 7. 29 MRSA §244, 6th ¶, sub-§4 is enacted
18 to read:

19 4. Rules. The Commissioner of Transportation
20 shall promulgate rules, not inconsistent with the
21 provisions of the United States Surface Transporta-
22 tion Assistance Act of 1982, Public Law 97-424, to
23 ensure reasonable access to vehicles, as set forth in
24 subsection 2, paragraphs C and D, between the Inter-
25 state Highway System and any other qualifying federal
26 aid primary system highways, as designated by the
27 Secretary of the United States Department of Trans-
28 portation, and terminals, facilities for food, fuel,
29 repairs and rest and points of loading and unloading
30 for household goods carriers.

31 Sec. 8. 29 MRSA §246, 4th ¶, as amended by PL
32 1973, c. 614, §2, is further amended to read:

33 The term "agricultural commodities" shall include
34 logs, lumber and pulpwood cut on a farm or farms
35 owned by the registrant. Farm motor trucks registered
36 under this section may receive a short-term permit in
37 accordance with this section by paying a percentage
38 of the difference between the amount paid for farm
39 motor truck registration and the annual fee for the
40 desired tonnage in accordance with the permit table
41 contained in this section.

1 **Sec. 9.** 29 MRSA §246, 5th ¶ is repealed and the
2 following enacted in its place:

3 The Secretary of State shall issue registration
4 plates so designed that a farm motor truck registered
5 under this section may be distinguished from commer-
6 cial vehicles otherwise registered under this
7 section. Farm motor trucks shall be driven with that
8 registration only if the vehicle is used primarily
9 for the transportation of agricultural products pro-
10 duced on and meant to be used in connection with the
11 operating of a farm or farms owned, operated or occu-
12 pied by the registrant and shall not be used for the
13 transportation of firewood, unless that transporta-
14 tion is incidental to other farm operations. Trucks
15 used for the retail delivery of milk or used on a
16 substantially daily delivery schedule on established
17 routes are not included as "farm trucks." Any person
18 fraudulently obtaining a farm truck license or using
19 a truck with a license plate marked for any purposes
20 other than those authorized by this section shall be
21 fined not less than \$100 nor more than \$500.

22 **Sec. 10.** 29 MRSA §246, as amended by PL 1981, c.
23 492, Pt. A, §5, is further amended by adding at the
24 end a new paragraph to read:

25 After September 30, 1984, no registration certif-
26 icate may be issued for any heavy vehicle subject to
27 the use tax imposed by the United States Internal
28 Revenue Code of 1954, Section 4481, until the appli-
29 cant has presented proof of payment, in such form as
30 may be prescribed by the Secretary of the United
31 States Treasury, of the use tax imposed by the United
32 States Internal Revenue Code of 1954, Section 4481.

33 **Sec. 11.** 29 MRSA §1652, sub-§1, ¶A, as repealed
34 and replaced by PL 1975, c. 237, §4, is amended to
35 read:

36 A. No vehicle or combination of vehicles shall
37 be operated, or caused to be operated, on or over
38 any way or bridge when the gross weight, actual
39 weight of vehicle and load, exceeds 80,000
40 pounds. No vehicles having 2 axles shall be so
41 operated, or caused to be operated, when the
42 gross weight exceeds 34,000 pounds; no vehicle or

1 combination of vehicles having 3 axles shall be
2 so operated, or caused to be operated, when the
3 gross weight exceeds 54,000 pounds; no vehicle or
4 combination of vehicles having 4 axles shall be
5 so operated, or caused to be operated, when the
6 gross weight exceeds 69,000 pounds; no vehicle or
7 combination of vehicles having 5 or more axles
8 shall be so operated, or caused to be operated,
9 when the gross weight exceeds 80,000 pounds.
10 Vehicles may be operated, or caused to be oper-
11 ated on the Interstate Highway System, as defined
12 in the Federal Aid Highway Act of 1956, with a
13 maximum gross weight permitted by this subsec-
14 tion, provided such gross weights do not exceed
15 the following formula:

$$16 \qquad \qquad \qquad LN$$
$$17 \qquad \qquad W=500 (----- +12N+36)$$
$$18 \qquad \qquad \qquad N-1$$

19 W=overall gross weight L=overall distance in
20 on any group of 2 feet between the
21 or more consecutive extreme of any group
22 axles to the nearest of 2 or more consecutive
23 500 pounds axles

24 N=number of axles in group under consideration

25 and in no case shall such gross weight limits
26 exceed 80,000 pounds.

27 **Sec. 12. 29 MRSA §1652, sub-§1, ¶E is enacted to**
28 **read:**

29 E. Notwithstanding paragraphs A and B, a combi-
30 nation vehicle consisting of a 3-axle truck trac-
31 tor operating in combination with a tri-axle
32 semitrailer may be operated, or caused to be
33 operated, with a maximum gross weight of 90,000
34 pounds; provided that:

35 (1) The maximum gross weight permitted by
36 this paragraph shall be reduced by 2,000
37 pounds for each foot the distance is less
38 than 32 feet between the extreme axles,
39 excluding the steering axle, measured to the
40 nearest foot;

1 (2) Nothing contained in this paragraph
2 shall permit a gross weight on the Inter-
3 state Highway System, as defined in the Fed-
4 eral Aid Highway Act of 1956, in excess of
5 those limits established for that system in
6 this section;

7 (3) A general permit authorizing that oper-
8 ation has been obtained. The annual fee for
9 the permit shall be \$105. The permit may be
10 obtained upon payment of the required fee,
11 from any branch office of the Secretary of
12 State, Division of Motor Vehicles, or from
13 any agent of the Secretary of State who has
14 been appointed for that specific purpose.
15 These agents appointed by the Secretary of
16 State may charge any applicant for a permit
17 \$1 over the required permit fee and may
18 retain that dollar for performing this func-
19 tion; and

20 (4) The vehicle is already fully registered
21 for 80,000 pounds.

22 Sec. 13. 29 MRSA §1652, sub-§2, ¶B, as amended
23 by PL 1979, c. 174, is further amended to read:

24 B. No vehicle shall be operated, or caused to be
25 operated, with a gross weight exceeding 22,000
26 pounds on a single axle unit, 38,000 pounds on a
27 tandem axle unit or 48,000 pounds on a tri-axle
28 unit, specifically excepting the Interstate High-
29 way System as defined in the Federal Highway Act
30 of 1956, where the gross weight on a single axle
31 unit shall not exceed 20,000 pounds when the
32 gross weight of the vehicle is in excess of
33 73,280 pounds, the gross weight on a tandem axle
34 unit ~~limit~~ shall be not exceed 34,000 pounds and
35 the gross weight on a tri-axle unit shall not
36 exceed the gross weight as determined by the for-
37 mula set out in subsection 1, paragraph A; and
38 provided that:

39 (1) Nothing contained in section 1655 shall
40 permit an axle or tandem axle weight on the
41 Interstate Highway System as defined in the
42 Federal Aid Highway Act of 1956 in excess of

1 the limits established for such system in
2 this section;

3 (2) No single axle of a tandem axle unit
4 shall support more than 60% of the total
5 weight supported by such tandem axle unit.
6 It shall not be deemed a violation of this
7 subparagraph if neither axle of a tandem
8 axle unit exceeds the weight legally allowed
9 on a single axle unit of that vehicle;

10 (3) No single axle of a tri-axle unit shall
11 support more than 40% of the total weight
12 supported by such tri-axle unit; and

13 (4) The gross weight of a vehicle shall not
14 be increased by the addition of a trailing
15 axle, so called, unless such axle supports
16 at least 50% of the added weight permitted
17 by the addition of such trailing axle.

18 Sec. 14. 29 MRSA §1654, 4th ¶, as repealed and
19 replaced by PL 1975, c. 237, §5, is amended to read:

20 In addition to the penalties enumerated in this
21 section, there shall be, for vehicles using the
22 Interstate Highway System as defined in the Federal
23 Aid Highway Act of 1956, a fine of \$20 and cost of
24 court when the maximum weight permitted on an axle,
25 tandem axle or the gross weight is in excess of those
26 limits established, for said system, in section 1652
27 or the tri-axle limit established in section 1652 ~~or~~
28 ~~section 1655, whichever is applicable~~ by less than
29 2,000 pounds.

30 Sec. 15. 29 MRSA §1655, first ¶, as amended by
31 PL 1981, c. 556, is further amended to read:

32 The operation on the highways of any vehicle
33 loaded entirely with bark, sawdust, firewood, sawed
34 lumber, dimension lumber, pulpwood, wood chips, logs,
35 soils, unconsolidated rock materials including lime-
36 stone, bolts, farm produce, road salt, manufacturer's
37 concrete products, solid waste building materials and
38 incinerator ash which absorb moisture during delivery
39 originating and terminating within the State, or dump
40 trucks, tractor dump trucks or transit-mix concrete

1 trucks carrying highway construction materials; or
2 any vehicle loaded with a majority of products re-
3 quiring refrigeration, whether by ice or mechanical
4 equipment, and on such vehicles when inspected by the
5 Maine State Police, the number of the seal shall be
6 recorded and the number of the new seal shall be
7 recorded by the Maine State Police, the operation on
8 the highways of any vehicle loaded with raw ore from
9 mine or quarry to place of processing shall not be
10 deemed to be in violation if the gross weight of such
11 vehicle does not exceed 110% of the maximum gross
12 weight for which such vehicle is then registered, nor
13 110% of the maximum gross weight permitted for such
14 vehicle by section 1652, and provided that the maxi-
15 mum axle loads for these vehicles do not exceed
16 24,200 pounds for a single axle unit, 46,000 pounds
17 for a tandem axle unit and 54,000 pounds for a
18 tri-axle unit, except that 64,000 pounds shall be
19 permitted on the tri-axle unit of a 4-axle motor
20 vehicle hauling forest products until ~~November 1,~~
21 ~~1983~~ March 1, 1984, or until the annual registration
22 certificate for the 1984 registration year is
23 obtained, whichever occurs first, on or after which
24 time a special commodity permit must be obtained.
25 When any of the tolerances in this section are
26 exceeded, the difference between the actual weights
27 and the respective limits established in section 1652
28 shall be used as the basis for determining the per-
29 centage of overload on which the penalty in section
30 1654 shall be assessed, ~~except, that in the case of a~~
31 ~~single, tandem or tri-axle unit, there shall be no~~
32 ~~violation until the axle unit tolerances are exceeded~~
33 ~~by 1,000 pounds or more, unless the excess is inten-~~
34 ~~tional.~~

35 Sec. 16. 29 MRSA §1655, as amended by PL 1981,
36 c. 556, is further amended by adding after the first
37 paragraph a new paragraph to read:

38 Notwithstanding the first paragraph, the tandem
39 axle unit limit for 5 or more axle combination vehi-
40 cles shall not exceed 44,000 pounds and a 6-axle com-
41 bination vehicle, as defined in section 1652, subsec-
42 tion 1, paragraph E, may be operated, or caused to be
43 operated, with a maximum gross weight of 100,000
44 pounds, provided that the maximum gross weight per-
45 mitted on a tandem axle unit shall be 44,000 pounds

1 and the maximum gross weight permitted on a tri-axle
2 unit shall be 54,000 pounds, and provided that the
3 distance between the extreme axles, excluding the
4 steering axle, is at least 32 feet.

5 Sec. 17. 29 MRSA §1655, as amended by PL 1981,
6 c. 556, is further amended by adding at the end the
7 following:

8 Starting March 1, 1984, or when the annual registra-
9 tion certificate for the 1984 registration year is
10 obtained, whichever occurs first, the tolerances pro-
11 vided in this section shall only apply to those vehi-
12 cles for which a special commodity permit has been
13 issued and only when actively engaged in the trans-
14 portation of those commodities. Commodity permits
15 shall be valid only when issued to a vehicle which is
16 currently registered for the maximum legal weight
17 allowed that vehicle under section 1652 or is fully
18 registered in its home jurisdiction.

19 A condition of issuance of commodity permits
20 shall be the observance of posted limits of all
21 bridges and highways.

22 Commodity permits may be obtained upon payment of
23 the required fee, from any branch office of the Motor
24 Vehicle Division or from any agent of the Secretary
25 of State who has been appointed for that specific
26 purpose. These agents appointed by the Secretary of
27 State may charge any applicant for a commodity permit
28 \$1 over and above the required permit fee and may
29 retain the dollar as his compensation for performing
30 this function. A permit may be issued for a period of
31 12 months or less, provided that no permit may extend
32 beyond the expiration of the annual registration or
33 short-term registration permit. The appointment of
34 these agents shall be limited to either municipal tax
35 collectors or town or city managers. The fee shall be
36 based upon the vehicle type and period of validity.

	<u>Per Year</u>	<u>Per Calendar Month or por- tion thereof</u>
37		
38		
39		
40	<u>Vehicle Type</u>	
41	<u>2-axle vehicle</u>	<u>\$ 96</u>
42	<u>3-axle single unit truck</u>	<u>\$ 8</u>
	<u>4-axle single unit truck</u>	<u>\$15</u>
		<u>\$20</u>

1	<u>3-axle combination vehicle</u>	<u>\$120</u>	<u>\$10</u>
2	<u>4-axle combination vehicle</u>	<u>\$168</u>	<u>\$14</u>
3	<u>5 or more axle combination</u>		
4	<u>vehicle</u>	<u>\$216</u>	<u>\$18</u>
5	<u>6-axle combination vehicle-</u>		
6	<u>3 axle truck tractor with</u>		-
7	<u>tri-axle semitrailer</u>	<u>\$216</u>	<u>\$18</u>

8 The permit fee for a single unit truck which
9 operates a portion of the time as a combination vehi-
10 cle and a portion of the time as a single unit truck
11 shall be whichever fee is greater.

12 A special form of the permit is required for the
13 4-axle single unit truck when hauling forest products
14 only and operating with a 64,000 pound tri-axle unit
15 tolerance. Its fees shall be \$360 for one year or \$30
16 for one month. This special form of the permit shall
17 entitle the holder of the permit to take advantage of
18 all the tolerances provided by this section.

19 In addition to the required permit fee there
20 shall be an additional charge of \$2 for each permit
21 issued to cover the cost of processing the permit.

22 The Secretary of State may issue a special com-
23 modity trip permit for not to exceed 5 days for a fee
24 of \$10. The trip permit shall accompany the vehicle
25 at all times as a condition of issuance.

26 A certificate identifying the vehicle to which
27 the permit is issued shall be carried in or placed on
28 the vehicle and shall be produced on demand by a law
29 enforcement officer.

30 Sec. 18. 29 MRSA §1656, first ¶, as repealed and
31 replaced by PL 1975, c. 237, §7, is repealed and the
32 following enacted in its place:

33 Except as provided in section 1655, no person may
34 operate, or cause to be operated, any vehicle with a
35 gross weight that is more than 2 1/2% or 500 pounds,
36 whichever is the greater, above the gross weight
37 specified in the registration certificate for these
38 vehicles, provided that no vehicle or combination of
39 vehicles may be operated on the highway with a gross
40 weight that exceeds those limits established by this

1 Title.

2 Sec. 19. 29 MRSA §1701, as amended by PL 1977,
3 c. 136, §§1 and 2, is further amended to read:

4 §1701. Height and width restrictions

5 No vehicle which, with or without load, is wider
6 than 102 inches over all shall may be operated upon
7 any way or bridge, specifically excepting the Inter-
8 state Highway System as defined in the Federal Aid
9 Highway Act of 1956, vehicles operating on said
10 Interstate System shall not exceed 96 inches in
11 width, except that vehicles hauling firewood, pulp-
12 wood, logs or bolts may be operated on said Inter-
13 state System if the width of the load does not exceed
14 102 inches and any bus having a width of 102 inches
15 or less may be operated on any lane of 12 feet or
16 more in width on said Interstate System. In those
17 cases in which firewood, pulpwood or bolts are piled
18 in tiers from the front to rear of the body of a
19 vehicle, a strip of wood or metal 3 inches thick
20 shall extend along the sides of the platform, from
21 front to rear, securely fastened to the platform of
22 the vehicle in order that the load shall pitch to the
23 center of said that vehicle, except that such those
24 vehicles may substitute for this 3-inch strip, 2
25 chains, wire rope, steel cable binders or web straps,
26 or any combination thereof. Such These chains, wire
27 ropes, steel cables or web straps shall meet the
28 specifications set forth in section 1751 and shall be
29 held firmly in place and properly spaced to secure
30 the load. Each vehicle so loaded shall carry a
31 solid-boarded tailboard or 5 stakes evenly spaced of
32 sufficient strength to maintain the weight of the
33 load, and such the load at no place along its length
34 shall be higher than such the tailboard or stakes. No
35 vehicle any structural part of which, permanent or
36 temporary, is more than 13 feet 6 inches in height,
37 measured vertically from a plane and level surface of
38 ground or pavement shall may be operated upon any way
39 or bridge. The load on any vehicle may extend 6
40 inches above the maximum permissible structural
41 height of such the vehicle. No vehicle shall may
42 operated over any section of a way or bridge which
43 does not afford adequate structural overhead clear-
44 ance. No portion of any vehicle or load, except the

1 reflecting mirror required by this Title, ~~shall~~ may
2 project beyond the side of such vehicle to make a
3 total width greater than herein specified in this
4 section. This section shall not apply to snow plows
5 and equipment used exclusively for the removal of
6 snow from public ways or to construction equipment
7 the uses of which are confined to the limits of high-
8 way and bridge construction projects. This section
9 shall not be construed as limiting the width of a
10 load of loose hay, pea vines or cornstalks.

11 **Sec. 20. Extended cost allocation evaluation.**
12 The Commissioner of Transportation shall extend and
13 revise the present findings of the highway cost allo-
14 cation evaluation in accordance with such improved
15 methodology and data as may be available. He shall
16 report his findings to the First Regular Session of
17 the 112th Legislature, together with such revisions
18 in fees as may be appropriate to improve equity. Spe-
19 cifically, the study shall further examine the justi-
20 fication of weight-distance legislation and the
21 number and form of registration schedules that are
22 appropriate.

23 **Sec. 21. Report required.** The Commissioner of
24 Transportation shall report to the First Regular
25 Session of the 112th Legislature such activities and
26 progress as may have occurred in the formation of
27 registration, operating authority and fuel use com-
28 pacts with other states and provinces.

29 **Sec. 22. Legislation required.** The Commissioner
30 of Transportation shall prepare such legislation as
31 may be necessary to improve the clarity and adminis-
32 tration of existing statutes relating to registra-
33 tion, operation, payment of fuel taxation and related
34 matters for the Second Regular Session of the 111th
35 Legislature.

36 **Sec. 23. Legislation required for truck**
37 **weights.** The Commissioner of Transportation shall
38 prepare legislation to adjust the gross weights, axle
39 weights and axle spacings of trucks and truck combi-
40 nations for action by the Second Regular Session of
41 the 111th Legislature. Adjustments shall be included
42 that preserve highway safety, reduce or control
43 bridge and pavement deterioration and offer oppor-

1 tunity for increased truck productivity by prudent
2 increases in gross vehicle weights. All adjustments
3 should be based upon a careful review of actual Maine
4 structures, as well as established engineering prin-
5 ciples. Input and assistance of representative
6 interest groups shall be solicited in the review of
7 data and preparation of legislation. A report of
8 findings shall accompany the legislation.

9 PART C

10 Sec. 1. 29 MRSA §242, sub-§1, ¶A, as amended by
11 PL 1979, c. 439, §8, is further amended to read:

12 A. Used for the conveyance of passengers, \$20.
13 Vehicles of the station wagon type which are used
14 interchangeably for the conveyance of passengers
15 or property shall pay the above fee. Such vehi-
16 cles shall be designated as "convertibles".
17 Motor vehicles, used for the conveyance of
18 passengers, which are operated exclusively on
19 islands having no roads maintained or supported
20 by the State shall be registered for a fee of \$2.

21 For the purposes of registration only, a pickup
22 truck may be registered as provided herein for
23 automobiles provided that at no time shall the
24 gross weight of a pickup truck so registered
25 exceed 6,000 pounds when used as a motor truck or
26 truck tractor. The owner of such a pickup truck
27 desiring a gross weight in excess of 6,000 pounds
28 shall register the same as provided in section
29 246.

30 The registration fee for an electrically powered
31 passenger vehicle with a gross vehicle weight of
32 6,000 pounds or less shall be \$10 greater than
33 the registration fee for a similar vehicle
34 powered by an internal combustion engine.

35 Sec. 2. 29 MRSA §244, 7th ¶, as amended by PL
36 1981, c. 492, Pt. E, §7, is further amended to read:

37 Special mobile equipment, Class B, which is
38 permanently mounted on a traction unit or motor chas-
39 sis, shall be registered and a fee of \$15 shall be
40 paid for such registration in lieu of all other

1 registration fees. Registration under this paragraph
2 shall not include any vehicle which may be used for
3 the conveyance of property except hand tools or parts
4 which are used in connection with the operation of
5 such equipment, except that road construction or
6 maintenance machinery coming under the definition of
7 special mobile equipment may be used for the trans-
8 portation of earth on that portion of the highway ac-
9 tually under construction. Such special mobile equip-
10 ment may be operated unloaded over the highway
11 between construction projects and to or from the
12 place where such vehicles are customarily kept, if a
13 permit for such movement is first obtained in accor-
14 dance with section 1703.

15 Sec. 3. 29 MRSA §244, as amended by PL 1981, c.
16 492, Pt. E, §§3 to 7, is further amended by adding
17 after the 8th paragraph 2 new paragraphs to read:

18 Special mobile equipment, Class A, which is
19 permanently mounted on a traction unit or motor vehi-
20 cle chassis, shall be operated under an annual
21 permit. The fee for such permits for any such equip-
22 ment, the gross weight of which is 54,000 pounds or
23 less, shall be in accordance with the registration
24 fee schedule established by section 246 for farm
25 motor trucks. For any such equipment, the gross
26 weight of which is in excess of 54,000 pounds, the
27 fee shall be in accordance with the following sched-
28 ule:

29 From 54,001 pounds gross weight to 60,000 pounds
30 gross weight \$380

31 From 60,001 pounds gross weight to 65,000 pounds
32 gross weight \$410

33 From 65,001 pounds gross weight to 70,000 pounds
34 gross weight \$440

35 From 70,001 pounds gross weight to 75,000 pounds
36 gross weight \$470

37 From 75,001 pounds gross weight to 80,000 pounds
38 gross weight \$500

39 The movement over the highways of any special

1 mobile equipment, the weight of which is in excess of
2 the gross or axle weight limits set forth in section
3 1652, shall be subject to section 1703, and permits
4 to move the equipment shall be obtained accordingly.

5 **Sec. 4. 29 MRSA §246, first ¶, as repealed and**
6 **replaced by PL 1979, c. 439, §11, is amended to read:**

7 With each application for registration of a motor
8 ~~truck~~ trucks, tractors and truck tractors shall be
9 paid an annual registration fee graduated as follows
10 when equipped with pneumatic tires:

11	From 0 pounds gross weight to 6,000 pounds gross	
12	weight	\$ 20
13	From 6,001 pounds gross weight to 9,000 pounds	
14	gross weight	\$ 25 \$ 26
15	From 9,001 pounds gross weight to 11,000 pounds	
16	gross weight	\$ 40 \$ 43
17	From 11,001 pounds gross weight to 14,000 pounds	
18	gross weight	\$ 70 \$ 76
19	From 14,001 pounds gross weight to 16,000 pounds	
20	gross weight	\$ 92 \$100
21	From 16,001 pounds gross weight to 18,000 pounds	
22	gross weight	\$115 \$125
23	From 18,001 pounds gross weight to 20,000 pounds	
24	gross weight	\$144 \$156
25	From 20,001 pounds gross weight to 23,000 pounds	
26	gross weight	\$173 \$183
27	From 23,001 pounds gross weight to 26,000 pounds	
28	gross weight	\$201 \$215
29	From 26,001 pounds gross weight to 29,000 pounds	
30	gross weight	\$246 \$265
31	From 29,001 pounds gross weight to 32,000 pounds	
32	gross weight	\$277 \$301
33	From 32,001 pounds gross weight to 35,000 pounds	

1	gross weight	\$308	<u>\$336</u>
2	From 35,001 pounds gross weight to 38,000 pounds		
3	gross weight	\$338	<u>\$372</u>
4	From 38,001 pounds gross weight to 42,000 pounds		
5	gross weight	\$370	<u>\$419</u>
6	From 42,001 pounds gross weight to 46,000 pounds		
7	gross weight	\$400	<u>\$467</u>
8	From 46,001 pounds gross weight to 50,000 pounds		
9	gross weight	\$431	<u>\$514</u>
10	From 50,001 pounds gross weight to 55,000 pounds		
11	gross weight	\$471	<u>\$573</u>
12	From 55,001 pounds gross weight to 60,000 pounds		
13	gross weight	\$523	<u>\$633</u>
14	From 60,001 pounds gross weight to 65,000 pounds		
15	gross weight	\$570	<u>\$692</u>
16	From 65,001 pounds gross weight to 70,550 pounds		
17	gross weight	\$627	<u>\$758</u>
18	From 70,551 pounds gross weight to 73,280 pounds		
19	gross weight	\$690	<u>\$790</u>
20	<u>From 73,281 pounds gross weight to 74,280 pounds</u>		
21	<u>gross weight</u>		<u>\$802</u>
22	<u>From 74,281 pounds gross weight to 75,280 pounds</u>		
23	<u>gross weight</u>		<u>\$814</u>
24	<u>From 75,281 pounds gross weight to 76,280 pounds</u>		
25	<u>gross weight</u>		<u>\$826</u>
26	<u>From 76,281 pounds gross weight to 77,280 pounds</u>		
27	<u>gross weight</u>		<u>\$838</u>
28	<u>From 77,281 pounds gross weight to 78,280 pounds</u>		
29	<u>gross weight</u>		<u>\$850</u>
30	<u>From 78,281 pounds gross weight to 79,280 pounds</u>		
31	<u>gross weight</u>		<u>\$861</u>

1 From 79,281 pounds gross weight to 80,000 pounds
2 gross weight \$870

3 Sec. 5. 29 MRSA §246, 2nd ¶, as repealed and
4 replaced by PL 1979, c. 439, §11, is repealed and the
5 following enacted in its place:

6 For such owners of commercial vehicles, which are
7 registered for a gross weight of 23,001 pounds or
8 more, that attest their vehicle is and shall only be
9 operated in the power unit semitrailer configuration
10 a credit of \$40 shall be allowed for the original
11 annual registration.

12 Sec. 6. 29 MRSA §246, 3rd ¶, as amended by PL
13 1979, c. 247, is amended to read:

14 The annual fee for registration of farm motor
15 trucks, having 2 or 3 axles other than so-called
16 dolly axles falling under section 1652, subsection 4,
17 paragraph A, subparagraph (6), when such trucks are
18 used primarily for transportation of agricultural
19 commodities, supplies or equipment to be used in con-
20 nection with the operation of a farm or farms owned,
21 operated or occupied by the registrant, shall be as
22 follows:

23 From 0 pounds gross weight to 6,000 pounds gross
24 weight \$ ~~15~~ \$ 16

25 From 6,001 pounds gross weight to 9,000 pounds
26 gross weight \$ ~~18~~ \$ 19

27 From 9,001 pounds gross weight to 11,000 pounds
28 gross weight \$ ~~21~~ \$ 22

29 From 11,001 pounds gross weight to 14,000 pounds
30 gross weight \$ ~~32~~ \$ 34

31 From 14,001 pounds gross weight to 16,000 pounds
32 gross weight \$ ~~43~~ \$ 45

33 From 16,001 pounds gross weight to 18,000 pounds
34 gross weight \$ ~~64~~ \$ 67

35 From 18,001 pounds gross weight to 20,000 pounds
36 gross weight \$ ~~75~~ \$ 79

1	From 20,001 pounds gross weight to 23,000 pounds	
2	gross weight	\$ 90 \$ 96
3	From 23,001 pounds gross weight to 26,000 pounds	
4	gross weight	\$105 \$114
5	From 26,001 pounds gross weight to 29,000 pounds	
6	gross weight	\$125 \$139
7	From 29,001 pounds gross weight to 32,000 pounds	
8	gross weight	\$140 \$159
9	From 32,001 pounds gross weight to 35,000 pounds	
10	gross weight	\$200 \$235
11	From 35,001 pounds gross weight to 38,000 pounds	
12	gross weight	\$220 \$258
13	From 38,001 pounds gross weight to 42,000 pounds	
14	gross weight	\$240 \$281
15	From 42,001 pounds gross weight to 46,000 pounds	
16	gross weight	\$260 \$304
17	From 46,001 pounds gross weight to 50,000 pounds	
18	gross weight	\$280 \$327
19	From 50,001 pounds gross weight to 54,000 pounds	
20	gross weight	\$300 \$350

21 Sec. 7. 29 MRSA §246, as amended by PL 1981, c.
22 492, Pt. A, §5, is further amended by adding at the
23 end 2 new paragraphs to read:

24 The annual fee for registration of motor homes
25 shall be in accordance with the fee schedule estab-
26 lished by this section for farm motor trucks.

27 The Secretary of State may select and issue a
28 special distinguishing letter, mark or design for
29 number plates issued to registrants of motor homes.

30 Sec. 8. 29 MRSA §246-A, sub-§3, as enacted by PL
31 1981, c. 689, §1, is amended to read:

32 3. Form of application. Application shall be
33 made upon a form and in a manner prescribed by the

1 Secretary of State and shall set forth such informa-
2 tion as the Secretary of State may require. The
3 application shall be accompanied by a fee of ~~10~~ 15
4 for each vehicle listed in the application.

5 Sec. 9. 29 MRSA §2243, sub-§2, as repealed and
6 replaced by PL 1979, c. 210, is amended to read:

7 2. Formal agreements. The Secretary of State,
8 after determining that like privileges are granted by
9 a state or province, shall enter into a written
10 agreement with that state or province setting forth
11 the conditions under which residents of that juris-
12 diction engaged in interstate commerce operations in
13 and through this State shall be exempt from the
14 registration and licensing laws of this State.

15 Notwithstanding any other provisions of the law, the
16 Secretary of State with the advice and assistance of
17 the Commissioner of Finance and Administration and
18 the Commissioner of the Transportation, may levy and
19 enforce like or similar taxes or fees against similar
20 vehicles registered in jurisdictions that levy and
21 enforce taxes or fees other than fuel taxes, fuel tax
22 license fees and public utility fees against vehicles
23 registered in the State.

24 Sec. 10. 36 MRSA §2903, as amended by PL 1981,
25 c. 702, Pt. V, §2, is further amended to read:

26 §2903. Tax levied; rebates

27 An excise tax is levied and imposed at the rate
28 of ~~9¢~~ 14¢ per gallon upon internal combustion engine
29 fuel sold or used within this State, including such
30 sales when made to the State or any political sub-
31 division thereof, for any purpose whatsoever, except-
32 ing such internal combustion engine fuel sold or used
33 in such form and under such circumstances as shall
34 preclude the collection of this tax by reason of the
35 laws of the United States, or sold wholly for
36 exportation from the State, or brought into the State
37 in the ordinary standardized equipment fuel tank
38 attached to and forming a part of a motor vehicle and
39 used in the operation of such vehicle within the
40 State, except that no tax may be levied upon
41 internal combustion engine fuel as defined in section

1 2902 bought or used by any person, association of
2 persons, firm or corporation for the purpose of pro-
3 pelling jet or turbojet engine aircraft, or sold
4 wholly for exportation from the State, or brought
5 into the State in the fuel tanks of an aircraft. On
6 the same fuel only one tax shall be paid to the
7 State, for which tax the distributor first receiving
8 the fuel in the State shall be primarily liable to
9 the State, except when such fuel has been sold and
10 delivered to a licensed exporter wholly for exporta-
11 tion from the State, or to another distributor in the
12 State, in which case the purchasing distributor shall
13 be primarily liable to the State for the tax.

14 Sec. 11. 36 MRSa §2903-A, as amended by PL 1973,
15 c. 513, §22, is further amended to read:

16 §2903-A. Finding of fact

17 The Legislature makes a finding of fact that the
18 percentage relationship of "gasoline tax" paid by
19 that segment of the nonhighway gasoline user, the
20 motorboat user, is not less than 1.25% of the total
21 "gasoline tax" revenue, but certainly is more than
22 the 1.25% referred to. Based on this legislative
23 "finding of fact" there is set aside 1.25% of the
24 total excise tax on internal combustion engine fuel
25 sold or used within the State, but not including
26 internal combustion engine fuel sold for use in the
27 propulsion of aircraft, not to exceed \$555,000 annu-
28 ally. From this ~~1-25%~~ allocation shall be deducted
29 the refunds paid out under section 2908 to purchasers
30 and users of internal combustion engine fuel for com-
31 mercial motorboats; 20% of the balance of ~~1-25%~~ this
32 allocation after paying out such refunds shall be
33 paid to the Treasurer of State to be made available
34 to the Commissioner of Marine Resources for the pur-
35 pose of conducting research, development and propa-
36 gation activities by the department, and it is the
37 responsibility of the Commissioner of Marine
38 Resources to select activities and projects that will
39 be most beneficial to the commercial fisheries of the
40 State as well as the development of sports fisheries
41 activities in the State; the remaining 80% of the
42 balance of ~~1-25%~~ this allocation after paying out
43 such refunds shall be credited to the Boating Facili-
44 ties Fund, established under Title 38, section 322,

1 within the Maine State Bureau of Parks and Recrea-
2 tion. The State Tax Assessor shall certify to the
3 State Controller, on or before the 15th day of each
4 month, the amounts to be credited under the previous
5 sentence, as of the close of the State Controller's
6 records for the previous month. When refunds paid to
7 purchasers and users of internal combustion engine
8 fuel for commercial motorboats in any month exceed
9 1.25% of gasoline tax revenues for that month, such
10 excess shall be carried forward in computing amounts
11 to be credited to the Department of Marine Resources
12 and to the Boating Facilities Fund under this section
13 for the succeeding month or months.

14 Sec. 12. 36 MRSA §2905, as amended by PL 1971,
15 c. 529, §2, is further amended to read:

16 §2905. Distributor or importer; rate of collection

17 Each distributor or importer paying or becoming
18 liable to pay the tax imposed by this chapter shall
19 be entitled to charge and collect 9¢ at the rate per
20 gallon set forth in section 2903 only as a part of
21 the selling price of the internal combustion engine
22 fuels subject to the tax.

23 Sec. 13. 36 MRSA §2906, first ¶, as amended by
24 PL 1981, c. 364, §33, is further amended to read:

25 Every distributor, importer, or exporter, holding
26 a valid certificate as such, shall on or before the
27 last day of each month render a report to the State
28 Tax Assessor stating the number of gallons of
29 internal combustion engine fuel received, sold and
30 used in the State by him during the preceding calen-
31 dar month, on forms to be furnished by the State Tax
32 Assessor. Such reports shall contain such further
33 information pertinent thereto as the State Tax Asses-
34 sor shall prescribe and the State Tax Assessor may
35 make such other reasonable rules and regulations
36 regarding the administration and enforcement of the
37 Gasoline Tax Act as he may deem necessary or expedi-
38 ent, copies of which shall be sent to such certifi-
39 cate holders. He or his duly authorized agent shall
40 have access during reasonable business hours to the
41 books, invoices and vouchers of such certificate
42 holders which may show the fuel handled by the cer-

1 tificate holder. At the time of the filing of the
2 report, each distributor and importer shall pay to
3 the State Tax Assessor a tax ~~of~~ 9¢ at the rate set
4 forth in section 2903 upon each gallon so reported as
5 sold, distributed or used. An allowance of not more
6 than 1% from the amount of fuel received by the dis-
7 tributor, plus 1% on all transfers in vessels, tank
8 cars or full tank truck loads by a distributor in the
9 regular course of his business from one of his places
10 of business to another within the State, may be
11 allowed by the Tax Assessor to cover the loss through
12 shrinkage, evaporation or handling sustained by the
13 distributor. The total allowance for such losses
14 shall not exceed 2% of the receipts by such distribu-
15 tor and no further deduction shall be allowed unless
16 the State Tax Assessor is satisfied on definite proof
17 submitted to him that a further deduction should be
18 allowed by him for a loss sustained through fire, ac-
19 cident or some unavoidable calamity.

20 Sec. 14. 36 MRSA §2908, as amended by PL 1979,
21 c. 549, is further amended to read:

22 §2908. Refund of tax less 1¢ per gallon in certain
23 cases; time limit

24 Any person, association of persons, firm or cor-
25 poration who shall buy and use any internal combus-
26 tion engine fuel as defined in this chapter for the
27 purpose of operating or propelling commercial motor
28 boats, tractors used for agricultural purposes not
29 operating on public ways, or vehicles owned or oper-
30 ated by railroad companies while operating on rails
31 or tracks, or in stationary engines, or in the
32 mechanical or industrial arts, or for any other com-
33 mercial use except in nonrailroad motor vehicles
34 operated or intended to be operated upon any of the
35 public highways of this State, or turnpikes operated
36 and maintained by the Maine Turnpike Authority, or
37 except as provided in section 2910, in the operation
38 of aircraft, and who shall have paid any tax on
39 internal combustion engine fuel levied or directed to
40 be paid as provided by this chapter, either directly
41 by the collection of the tax by the vendor from the
42 consumer, or indirectly by adding the amount of that
43 tax to the price of that fuel and paid by that con-
44 sumer, shall be reimbursed and repaid ~~to the extent~~

1 of 8/9 of the amount of the tax paid by him less 1¢
2 per gallon upon presenting to the State Tax Assessor
3 a sworn statement accompanied by the original
4 invoices or other evidence as the State Tax Assessor
5 may require showing those purchases, which statement
6 shall show the total amount of the fuel so purchased
7 and used by that consumer other than in nonrailroad
8 motor vehicles operated or intended to be operated
9 upon any of the public highways of the State and in
10 the operation of aircraft. Applications for refunds
11 shall be filed with the State Tax Assessor within 15
12 months from the date of purchase.

13 Sec. 15. 36 MRSA §2910, as amended by PL 1971,
14 c. 529, §6, is further amended to read:

15 §2910. Refund of tax less 4¢ per gallon to users of
16 aircraft

17 Any person, association of persons, firm or cor-
18 poration who shall buy and use any internal combus-
19 tion engine fuel as defined in section 2902, for the
20 purpose of propelling piston engine aircraft and who
21 shall have paid any tax on internal combustion engine
22 fuel levied or directed to be paid as provided by
23 this chapter, either directly by the collection of
24 such tax by the vendor from such consumer, or indi-
25 rectly by adding the amount of such tax to the price
26 of such fuel and paid by such consumer, shall be
27 reimbursed and repaid ~~to the extent of 5/9~~ of the
28 amount of such tax paid by him less 4¢ per gallon
29 upon presenting to the State Tax Assessor a statement
30 accompanied by the original invoices showing such
31 purchases. Applications for refunds must be filed
32 with the State Tax Assessor within 12 months from the
33 date of purchase.

34 Sec. 16. 36 MRSA §2965 is amended to read:

35 §2965. Reports

36 Every motor carrier, subject to the tax imposed
37 by this chapter, shall on or before the last day of
38 April, July, October and January of each year make to
39 the State Tax Assessor such reports of its opera-
40 tions, including the amount of motor fuel used within
41 and without this State and the total number of miles

1 traveled within and without this State and the make
2 and type of vehicle used, during the quarter ending
3 the last day of the preceding month as the State Tax
4 Assessor may require and such other reports from time
5 to time as the State Tax Assessor may deem necessary.
6 Motor carriers using only motor fuel purchased within
7 the State during any quarterly period may, subject to
8 the approval of the State Tax Assessor, in lieu of
9 filing the quarterly report required by this section,
10 file a signed statement certifying that no motor fuel
11 used in its operations was purchased without the
12 State during the quarter. Motor carriers operating
13 exclusively within the State and using only motor
14 fuel purchased within the State, upon which the State
15 has received the motor fuel tax, may be exempted at
16 the discretion of the State Tax Assessor from filing
17 reports under this chapter. Motor carriers operating
18 vehicles exclusively within this State and using only
19 motor fuel purchased within this State, upon which
20 the State has received the motor fuel tax, may be ex-
21 empted, at the discretion of the State Tax Assessor,
22 from filing reports under this chapter. Any motor
23 carrier requesting exemption from filing reports
24 shall file an affidavit as prescribed by the State
25 Tax Assessor. The State Tax Assessor and his author-
26 ized agents and representatives shall have the right
27 at any reasonable time to inspect the books and
28 records of any motor carrier subject to the tax
29 imposed by this chapter.

30 Sec. 17. 36 MRSA §3025, as amended by PL 1971,
31 c. 529, §7, is further amended to read:

32 §3025. Levy of tax; exemptions; credit to Highway
33 Fund

34 An excise tax is imposed on all users of fuel
35 upon the use of such fuel by any person within this
36 State, only when such fuel is used in an internal
37 combustion engine for the generation of power to
38 propel motor vehicles of any kind or character on the
39 public highways or turnpikes operated and maintained
40 by the Maine Turnpike Authority, at the rate of 9¢
41 per gallon prescribed in section 2903, to be computed
42 in the manner set forth in this chapter. No tax is
43 imposed upon the use of any fuel if the Constitution
44 of the United States or of this State precludes such

1 tax. All taxes collected under this section shall be
2 credited to the ~~General~~ Highway Fund.

3 Sec. 18. 36 MRSA §3035, 3rd ¶, as amended by PL
4 1981, c. 698, §184, is further amended to read:

5 At the time of the filing of the report each use
6 fuel dealer shall pay to the State Tax Assessor a tax
7 ~~of 9¢~~ at the rate provided for in section 3025 upon
8 each gallon so reported as sold or used.

9 Sec. 19. 36 MRSA §3035, last ¶, as amended by PL
10 1971, c. 529, §8, is further amended to read:

11 Each dealer paying or becoming liable to pay the
12 tax imposed by this section shall be entitled to
13 charge and collect 9¢ the amount of tax per gallon
14 set forth in section 3025 only as a part of the
15 selling price of the fuels subject to the tax.

16 Sec. 20. Termination date. Unless extended by
17 the First Regular Session of the 112th Legislature,
18 section 11 of this Part is repealed on July 1, 1985,
19 and the law governing these provisions in effect
20 immediately prior to the enactment of this Act shall
21 prevail unless comparable legislation is enacted.

22 PART D

23 Sec. 1. 36 MRSA §2908, as amended by PL 1979, c.
24 549, is further amended to read:

25 §2908. Refund of tax less 1¢ per gallon in certain
26 cases; time limit

27 Any person, association of persons, firm or
28 ~~operation~~ corporation who shall buy and use any
29 internal combustion engine fuel as defined in this
30 chapter for the purpose of operating or propelling
31 commercial motor boats, tractors used for agricul-
32 tural purposes not operating on public ways, or for
33 registered vehicles operating off the highways of
34 this State, or vehicles owned or operated by railroad
35 companies while operating on rails or tracks, or in
36 stationary engines, or in the mechanical or indus-
37 trial arts, or for any other commercial use except in
38 nonrailroad motor vehicles operated or intended to be

1 operated upon any of the public highways of this
2 State, or turnpikes operated and maintained by the
3 Maine Turnpike Authority, or except as provided in
4 section 2910, in the operation of aircraft, and who
5 shall have paid any tax on internal combustion engine
6 fuel levied or directed to be paid as provided by
7 this chapter, either directly by the collection of
8 the tax by the vendor from the consumer, or indi-
9 rectly by adding the amount of that tax to the price
10 of that fuel and paid by that consumer, shall be
11 reimbursed and repaid ~~to the extent of 8/9 of~~ the
12 amount of the tax paid by him less 1¢ per gallon upon
13 presenting to the State Tax Assessor a sworn state-
14 ment accompanied by the original invoices or other
15 evidence as the State Tax Assessor may require show-
16 ing those purchases, which statement shall show the
17 total amount of the fuel so purchased and used by
18 that consumer other than in nonrailroad motor vehi-
19 cles operated or intended to be operated upon any of
20 the public highways of the State and in the operation
21 of aircraft. Applications for refunds shall be filed
22 with the State Tax Assessor within 15 months from the
23 date of purchase.

24 A monthly refund application on a form prescribed
25 by the State Tax Assessor may be filed at the close
26 of any month to claim refunds for the excise tax on
27 internal combustion engine fuel, as defined in this
28 chapter, bought and used in registered vehicles oper-
29 ating off the highways of this State. That applica-
30 tion shall be processed and approved for payment
31 promptly. Interest shall be paid at the same rate as
32 is computed under section 186 calculated from the
33 date of receipt of the monthly claim for all proper
34 claims not paid within 30 days of receipt. The
35 applicant shall file quarterly substantiating infor-
36 mation in the same manner as prescribed in section
37 3209.

38 All fuel qualifying for a refund under this
39 section is subject to the use tax levy in accordance
40 with chapter 215.

41 Sec. 2. 36 MRSA §2913, as amended by PL 1977, c.
42 696, §281, is repealed and the following enacted in
43 its place:

1 §2913. Failure to file statement; false statement

2 Any person who refuses or neglects to make any
3 statement, report, payment or return required by
4 this chapter, or who knowingly makes, aids or assists
5 any other person in making a false statement in a
6 return or report to the State Tax Assessor, or in
7 connection with an application for refund of any tax,
8 or who knowingly collects, attempts to collect or
9 causes to be paid to him or to any other person,
10 either directly or indirectly, any refund of that tax
11 without being entitled to the same, or is in viola-
12 tion of the affidavit as prescribed for registered
13 sellers in section 3205, is guilty of a Class E
14 crime.

15 Sec. 3. 36 MRSa §§2961-A and 2961-B are enacted
16 to read:

17 §2961-A. Application for license; contents; licens-
18 ing of motor carriers

19 It is unlawful for any motor carrier to use or
20 consume any motor fuel within this State, unless that
21 motor carrier is the holder of an uncanceled license
22 issued by the State Tax Assessor. To procure the li-
23 cence, every motor carrier shall file with the State
24 Tax Assessor an application in such form as the the
25 State Tax Assessor may prescribe, setting forth the
26 name and address of the motor carrier.

27 In the event that any application for a license
28 to use motor fuel as a motor carrier in this State is
29 filed by any person whose license has at any time
30 been canceled for cause by the State Tax Assessor, or
31 in case the State Tax Assessor is of the opinion that
32 the application is not filed in good faith or that
33 the application is filed by some person as a subter-
34 fuge for the real person in interest whose license or
35 registration has been canceled for cause by the State
36 Tax Assessor, then and in any of such events the
37 State Tax Assessor, after a hearing of which the
38 applicant has been given 5 days' notice in writing
39 and the applicant has the right to appear in person
40 or by counsel and present testimony, has the right
41 and authority to refuse to issue to the person a li-
42 cence certificate in this State.

1 The application in proper form having been ac-
2 cepted for filing and the other conditions and re-
3 quirements of this section having been complied with,
4 the State Tax Assessor shall issue to the motor car-
5 rier a license certificate and that license shall
6 remain in full force and effect until canceled, as
7 provided in this chapter.

8 The license certificate so issued by the State
9 Tax Assessor shall not be assignable and shall be
10 valid only for the motor carrier in whose name issued
11 and shall be displayed conspicuously by the motor
12 carrier.

13 Any person violating this section commits a Class
14 E crime.

15 §2961-B. Discontinuance as a licensed motor carrier

16 Whenever a motor carrier ceases to engage in
17 business as a motor carrier within this State, it
18 shall be the duty of the motor carrier to notify the
19 State Tax Assessor in writing within 15 days after
20 discontinuance. All taxes, penalties and interest
21 under this chapter, not yet due and payable under
22 this chapter shall, together with any and all inter-
23 est accruing or penalties imposed under this chapter,
24 notwithstanding any provisions thereof, become due
25 and payable concurrently with the discontinuance.
26 It is the duty of the motor carrier to make a report
27 and pay all such taxes, interest and penalties and to
28 surrender to the State Tax Assessor the license cer-
29 tificate issued to the motor carrier by the State Tax
30 Assessor.

31 Any person violating this section commits a Class
32 E crime.

33 Sec. 4. 36 MRSA §2966, as amended by PL 1979, c.
34 378, §24, is further amended to read:

35 §2966. Collection of tax

36 If any motor carrier fails to pay on demand a tax
37 assessed under section 141, subsection 2, paragraph
38 C, the State Tax Assessor may commence a ~~civil~~ crimi-
39 nal action in the name of the State for the recovery

1 of the tax and may recommend to the Public Utilities
2 Commission that the certificate or permit of that
3 motor carrier be suspended or revoked.

4 Sec. 5. 36 MRSA c. 455, as amended, is repealed.

5 Sec. 6. 36 MRSA c. 459 is enacted to read:

6 CHAPTER 459

7 SPECIAL FUEL TAX ACT

8 §3201. Short title

9 This chapter shall be known as the "Special Fuel
10 Tax Act" and the tax imposed in this chapter shall be
11 known as the "special fuel tax."

12 §3202. Definitions

13 1. Distillates. "Distillates" means all combus-
14 tible gases and liquids used in an internal combus-
15 tion engine, except the fuel subject to the tax
16 imposed by chapter 451 and low-energy fuel.

17 2. Duly licensed user. "Duly licensed user"
18 means any user holding an unrevoked license issued by
19 this State.

20 3. Low-energy fuel. "Low-energy fuel" means,
21 for the purpose of this section, any fuel used to
22 propel vehicles powered by internal combustion
23 engines that has 90% or less of the energy potential
24 of an equivalent volume of gasoline. Energy poten-
25 tial will be determined by the number of British
26 Thermal Units in a standard volume. Low-energy fuels
27 include, but are not limited to, liquefied natural
28 gas, liquefied petroleum gas, propane, methane,
29 butane, other light petroleum gasses, alcohol fuels
30 and other fuels that meet the criteria in this sub-
31 section.

32 4. Motor vehicles. "Motor vehicles" means all
33 vehicles, engines, machines or mechanical contriv-
34 ances which are propelled by internal combustion
35 engines or motors.

1 5. Person. "Person" means every natural person,
2 singular or plural, including partnerships, firms,
3 associations, corporations, joint stock companies,
4 receivers or trustees wherever resident or located,
5 and the State or any subdivision.

6 6. Special fuel. "Special fuel" means distil-
7 lates and low-energy fuel.

8 7. Supplier. "Supplier" means any person
9 importing into the State, exporting from the State or
10 producing, refining, manufacturing or compounding
11 within the State or purchasing within the State,
12 principally for resale to others in bulk, special
13 fuel.

14 8. Use. "Use" means, in addition to its orig-
15 inal meaning, the receipt of special fuel by any
16 person into a motor vehicle or into a receptacle from
17 which special fuel is supplied by that person to his
18 own or other motor vehicles.

19 9. User. "User" means any person who is the
20 registered owner of a motor vehicle who uses and con-
21 sumes special fuel within this State in an internal
22 combustion engine for the generation of power to
23 propel vehicles of any kind or character, except in
24 noncommercial vehicles having a fuel tank capacity of
25 30 gallons or less which are owned by nonresidents of
26 this State and are not required to be registered in
27 this State, and except in noncommercial vehicles hav-
28 ing a fuel tank capacity of 30 gallons or less owned
29 by residents of this State who purchase only special
30 fuel upon which the tax imposed by section 3203 has
31 been paid by the user.

32 §3203. Tax levied

33 An excise tax is levied and imposed upon all sup-
34 pliers of special fuel sold or used in this State on
35 each gallon of distillates at the rate prescribed in
36 section 2903 and on each gallon of low-energy fuel at
37 the rate prescribed in section 2903, less 1¢, except
38 sales of special fuel made to the State or any polit-
39 ical subdivision thereof; such special fuel sold or
40 used in such form and under such circumstances as
41 shall preclude the collection of this tax by reasons

1 of the laws of the United States; sold only for
2 exportation from this State; brought into the State
3 in a noncommercial vehicle having a standard fuel
4 tank capacity of 30 gallons or less owned by a non-
5 resident; delivered into a tank used solely for heat-
6 ing purposes, sold for resale to a licensed supplier;
7 and sold to a person for the generation of power for
8 resale or manufacturing. Where special fuel is
9 delivered by a supplier on a consignment basis to a
10 consumer or to a retail outlet, whether the retail
11 outlet is wholly owned by the supplier or not, it
12 shall be considered to have been "sold" within the
13 meaning of the Special Fuel Tax Act. All taxes col-
14 lected under this section shall be credited to the
15 Highway Fund.

16 §3204. Licenses; supplier

17 Every supplier of special fuel in the State,
18 other than those who qualify under section 3205,
19 shall file an application for certificate with the
20 State Tax Assessor on forms prescribed and furnished
21 by him, which shall contain the name under which the
22 supplier is transacting business within the State,
23 the place or places of business, location of distrib-
24 uting stations, agencies of the supplier, the names
25 and addresses of the several persons constituting the
26 firm or partnership, and, if a corporation, its cor-
27 porate name and the names and addresses of its prin-
28 cipal officers and agents within the State. No such
29 supplier may sell or distribute any special fuel
30 until the certificate is furnished by the State Tax
31 Assessor and displayed as required by this section.
32 One copy of each such certificate, certified by the
33 State Tax Assessor, shall be displayed in each place
34 of business of the supplier. The State Tax Assessor,
35 having reasonable cause to believe that the supplier
36 has ceased to do business or that he has violated
37 this chapter or the rules made thereunder or failed
38 to appear in court for any violation of this chapter,
39 may on reasonable notice to the supplier suspend the
40 supplier's certificate until satisfied to the con-
41 trary. In such case, the supplier shall not act as a
42 supplier until his certificate is restored by the
43 State Tax Assessor, either of his own initiative or
44 at the request of the supplier, and upon the State
45 Tax Assessor being satisfied that cause for suspen-

1 sion no longer exists, or upon order of court. In
2 case of that suspension, all certificates shall at
3 once be surrendered to the State Tax Assessor upon
4 his request. This revocation shall be reviewable in
5 accordance with section 151.

6 §3205. Registered supplier

7 Every supplier of special fuel solely making
8 sales of special fuel, not subject to the special
9 fuel tax in accordance to section 3203, shall file an
10 affidavit to that effect with the State Tax Assessor
11 on forms prescribed and supplied to him. A copy of
12 the affidavit shall be displayed in each place of
13 business of that supplier.

14 §3206. Licenses; users

15 It shall be unlawful for any user to use or con-
16 sume any special fuel within this State, unless that
17 user is the holder of an uncanceled license issued by
18 the State Tax Assessor. To produce that license,
19 every user shall file with the State Tax Assessor an
20 application in such form as the State Tax Assessor
21 may prescribe, setting forth the name and address of
22 the user. Any unlicensed user who purchases a fuel
23 use identification decal, as required by Title 29,
24 section 246-A, will be registered by the State Tax
25 Assessor and subject to this chapter and chapter 461.

26 In the event that any application for a license
27 to use special fuel as a user in this State shall be
28 filed by any person whose license shall at any time
29 theretofore have been canceled for cause by the State
30 Tax Assessor, or in the case the State Tax Assessor
31 shall be of the opinion that the application is not
32 filed in good faith or that the application is filed
33 by some person as a subterfuge for the real person in
34 interest whose license or registration shall there-
35 fore have been canceled for cause by the State Tax
36 Assessor or in the case where the taxpayer failed to
37 appear in court for any violation of this chapter,
38 then and in any of those events the State Tax Asses-
39 sor, after a hearing of which the applicant shall
40 have been given 5 days' notice in writing and in
41 which the applicant shall have the right to appear in
42 person or by counsel and present testimony, shall

1 have the right and authority to refuse to issue to
2 the person a license certificate in this State.

3 The application in proper form having been ac-
4 cepted for filing, and the other conditions and re-
5 quirements of this section having been complied with,
6 the State Tax Assessor shall issue to that user a li-
7 cence certificate and the license shall remain in
8 full force and effect until canceled as provided in
9 this chapter.

10 The license certificate so issued by the State
11 Tax Assessor shall not be assignable and shall be
12 valid only for the user in whose name issued.

13 §3207. Collection of tax

14 Every supplier paying or becoming liable to pay
15 the tax imposed by this chapter shall charge and col-
16 lect the tax at the applicable rate.

17 Every licensed user shall remit tax on all spe-
18 cial fuels purchased and not used for heating, indus-
19 trial use or for off-highway use, when the special
20 fuel has not been subjected to the special fuel tax.

21 §3208. Credit; users

22 Every user subject to the tax imposed by section
23 3203 shall be entitled to a credit on the tax equiva-
24 lent to the existing rate of taxation per gallon on
25 all fuels purchased by that user from a supplier li-
26 icensed in accordance with section 3204 upon which
27 fuel the tax is imposed by section 3203 has been paid
28 by that user. Evidence of the payment of that tax,
29 in such form as may be required by or is satisfactory
30 to the State Tax Assessor, shall be furnished by each
31 user claiming the credit allowed. When the amount of
32 the credit to which any user is entitled for any
33 quarter exceeds the amount of the tax for which that
34 user is liable for the same quarter, the excess may,
35 under rules of the State Tax Assessor, be allowed as
36 a credit on the tax for which that user would be
37 otherwise liable for another quarter or quarters, or
38 upon application within 3 months from the end of any
39 quarter, duly verified and presented in accordance
40 with regulations promulgated by the State Tax Asses-

1 sor and supported by such evidence as may be satis-
2 factory to the State Tax Assessor, such excess may be
3 refunded if it shall appear that the applicant has
4 paid to another state or province under a lawful re-
5 quirement of such jurisdiction a tax similar in
6 effect to the tax levied in section 3203, on the use
7 or consumption of the same fuel without the State, to
8 the extent of the payment in such other jurisdiction,
9 but in no case to exceed the rate per gallon of the
10 then current Maine state fuel tax. Upon receipt of
11 the application, the State Tax Assessor, if satisfied
12 after investigation that a refund is justified, shall
13 so certify to the State Controller and it shall be
14 paid out of the Highway Fund. This credit shall
15 lapse at the end of the last quarter of the year fol-
16 lowing that in which the credit arose.

17 For those accounts in good standing, a monthly
18 refund application, on a form prescribed by the State
19 Tax Assessor may be filed at the close of any month
20 to claim credits described in this section. That
21 application shall be processed and approved for pay-
22 ment promptly. Interest shall be paid at the same
23 rate as is computed under section 186, calculated
24 from the date of receipt of the monthly claim for all
25 proper claims not paid within 30 days of receipt of
26 the claim. Nothing in this paragraph may be con-
27 strued to relieve the applicant from filing quarterly
28 substantiating information as prescribed by this
29 section.

30 §3209. Rules; reports; assessment of taxes

31 Every licensed supplier shall file on or before
32 the last day of each month a report with the State
33 Tax Assessor stating the gallons of special fuel
34 received, taxable gallons sold, exempt gallons sold,
35 taxable gallons used and exempt gallons used in this
36 State by him during the preceding calendar month, on
37 forms to be furnished by the State Tax Assessor. The
38 report shall contain any further information perti-
39 nent thereto as the State Tax Assessor shall pre-
40 scribe. The State Tax Assessor may make such other
41 rules regarding the enforcement of the special fuel
42 tax as he may deem necessary. At the time of filing
43 his report, each supplier shall pay to the State Tax
44 Assessor a tax as prescribed in sections 2903 and

1 3203 upon each gallon reported as a taxable sale or
2 as taxable gallons used.

3 For the purpose of determining the amount of tax
4 imposed, each user shall, not later than the last day
5 of each April, July, October and January, file with
6 the State Tax Assessor, on forms prescribed by the
7 State Tax Assessor, a report which shall include the
8 total gallonage of fuels used within this State
9 during the quarter ending the last day of the pre-
10 ceding month. The report shall contain any further
11 information pertinent thereto as the State Tax Asses-
12 sor shall prescribe.

13 At the time of filing his report, each user shall
14 pay to the State Tax Assessor a tax as prescribed in
15 sections 2903 and 3203 upon each gallon reported as a
16 taxable use or as taxable gallons used, which has not
17 been subjected to the special fuel tax.

18 Any user of special fuel operating exclusively
19 within this State using only special fuel purchased
20 within this State, upon which the State has received
21 the special fuel tax, may be exempted, at the discre-
22 tion of the State Tax Assessor, from filing reports
23 under this chapter. Any user of special fuel
24 requesting exemption from filing reports shall file
25 an affidavit as prescribed by the State Tax Assessor.

26 §3210. Application of tax in special cases

27 Whoever shall receive any special fuel in such
28 form and under such circumstances as shall preclude
29 the collection of this tax by the supplier by reason
30 of the laws of the United States, and shall there-
31 after sell or use any special fuel in a manner and
32 under circumstances as may subject the sale or use to
33 the taxing power of this State, shall be considered
34 as a supplier and shall make the same reports, pay
35 the same taxes and be subject to all other provisions
36 of this chapter relating to suppliers of special
37 fuel. No person may be considered as a supplier with
38 respect to special fuel brought into the State in the
39 ordinary standardized equipment fuel tank attached to
40 and forming a part of a motor vehicle and used in the
41 operation of a vehicle within the State.

1 §3211. Cancellation of licenses, registrations

2 If a supplier or user shall at any time file a
3 false report of the data or information required by
4 this chapter, or shall fail, refuse or neglect to
5 file the report required by this chapter, or to pay
6 the full amount of the tax as required by this chap-
7 ter or is in violation of the affidavit as prescribed
8 in section 3205, the State Tax Assessor may forthwith
9 cancel the license or registration of the supplier or
10 user and notify that supplier or user in writing of
11 the cancellation by registered mail to the last known
12 address of that supplier or user appearing on the
13 file of the State Tax Assessor.

14 Upon receipt of a written request from any sup-
15 plier or user licensed or registered under this chap-
16 ter to cancel the license of registration to that
17 supplier or user, the State Tax Assessor shall have
18 the power to cancel that license or registration
19 effective 30 days from the date of the written
20 request, but no such license or registration may be
21 canceled upon the request of any supplier or user
22 until and unless the supplier or user shall, prior to
23 the date of that cancellation, have paid to this
24 State all excise taxes payable under the laws of this
25 State, together with any and all penalties, interest
26 and fines accruing under any of the provisions of
27 this chapter, and until and unless the supplier or
28 user shall have surrendered to the State Tax Assessor
29 the license or registration certificate theretofore
30 issued to that supplier or user. If, upon investiga-
31 tion, the State Tax Assessor shall ascertain and find
32 that any person to whom a license has been issued
33 under this chapter is no longer engaged in the sale
34 or use of special fuel and has not been so engaged
35 for a period of 6 months, the State Tax Assessor
36 shall have power to cancel that license by giving
37 that person 30 days' notice of the cancellation
38 mailed to the last known address of that person, in
39 which event the license certificate theretofore
40 issued to that person shall be surrendered to the
41 State Tax Assessor.

42 §3212. Discontinuance as licensed user and supplier

43 Whenever a supplier or user ceases to engage in

1 business as a supplier or user of fuel within this
2 State, it shall be the duty of that supplier or user
3 to notify the State Tax Assessor in writing within 15
4 days after discontinuance. All taxes, penalties and
5 interest under this chapter, not yet due and payable
6 under this chapter, shall, together with any and all
7 interest accruing or penalties imposed under this
8 chapter, notwithstanding any provisions thereof,
9 become due and payable concurrently with that discon-
10 tinuance. It shall be the duty of the supplier or
11 user to make a report and pay all such taxes, inter-
12 est and penalties and to surrender to the State Tax
13 Assessor the license certificate theretofore issued
14 to that user by the State Tax Assessor.

15 Any person violating any of the provisions of
16 this section commits a Class E crime.

17 §3213. Refunds of taxes erroneously or illegally
18 collected

19 In the event it shall appear to the State Tax
20 Assessor that any taxes or penalties imposed by this
21 chapter have been erroneously or illegally collected
22 from any user, the State Tax Assessor shall certify
23 the amount thereof to the State Controller, who shall
24 thereupon draw his warrant for that certified amount
25 on the Treasurer of State to that user. The refund
26 shall be paid by the Treasurer of State to that user
27 forthwith from the Highway Fund.

28 No refunds may be made under this section unless
29 a written claim therefor setting forth the circum-
30 stances by reason of which the refund shall be
31 allowed, which claim shall be in such form as the
32 State Tax Assessor shall prescribe and shall be filed
33 with the State Tax Assessor within 3 years from the
34 date of the payment of the taxes erroneously or ille-
35 gally collected.

36 §3214. Credit for tax paid on worthless accounts

37 The tax paid on sales made on credit and reported
38 by a supplier pursuant to section 3209 found to be
39 worthless and actually charged off may be credited
40 upon the tax due to a subsequent report, but if any
41 such accounts are thereafter collected by the sup-

1 plier, a tax shall be paid upon the amounts so col-
2 lected. The credit shall be considered as being re-
3 quired to be reported on the return for the month in
4 which the charge-off occurred.

5 §3215. Refund of taxes for certain common carriers

6 Any person, firm or corporation engaged in fur-
7 nishing common carrier passenger service under a cer-
8 tificate issued by the Public Utilities Commission
9 shall be reimbursed and repaid to the extent of the
10 entire amount of that tax paid by him upon that pro-
11 portion of the combustible gases and liquids used in
12 an internal combustion engine used in locally encour-
13 aged vehicles operated by him, which his tax-exempt
14 passenger fare revenue derived from that service
15 bears to his total passenger fare revenue. "Tax-
16 exempt passenger fare revenue" means revenue attrib-
17 utable to fares which were exempt from the federal
18 tax upon transportation of persons imposed by the
19 United States Internal Revenue Code, Section 4261, by
20 reasons of the United States Internal Revenue Code,
21 Section 4262 or 4263. "Total passenger fare revenue"
22 means all revenue attributable to the claimant's
23 passenger operations, whether or not pursuant to the
24 certificate issued by the Public Utilities Commis-
25 sion. The refund provided for in this section shall
26 be made only if the claimant's tax-exempt passenger
27 fare revenue is at least 60% of the claimant's total
28 passenger fare revenue derived during the calendar
29 quarter for which that refund is claimed. "Locally
30 encouraged vehicles" means buses upon which no excise
31 tax is collected, under section 1483, subsection 13.

32 The claimant shall present his claim to the State
33 Tax Assessor in such form and with such information
34 as the State Tax Assessor may prescribe accompanied
35 by original invoices showing those purchases. Appli-
36 cations for refunds must be filed with the State Tax
37 Assessor within 9 months from the date of purchase.

38 §3216. Failure to file statement, false statement

39 Any person who shall refuse or neglect to make
40 any statement, report, payment or return required by
41 this chapter, or who shall knowingly make, or shall
42 aid or assist any other person in making a false

1 statement in a return or report to the State Tax
2 Assessor, or in connection with an application for
3 refund of any tax, or who shall knowingly collect or
4 attempt to collect, or cause to be paid to him or to
5 any other person, either directly or indirectly, any
6 refund of that tax without being entitled to the tax,
7 or is in violation of the affidavit as prescribed for
8 registered sellers in section 3205, shall be guilty
9 of a Class E crime.

10 §3217. Additional violations

11 Any user, or any agent or employee of any user,
12 who shall consume any fuel in a registered motor
13 vehicle within the State, when that user is not the
14 holder of an uncanceled license as required by this
15 chapter, or when that user has failed to file any
16 report or pay tax, penalty or interest as required by
17 this chapter and chapter 7, commits a Class E crime.
18 Each day or part thereof during which any person
19 shall consume any fuel in a registered motor vehicle
20 within the State, when that user is not the holder of
21 an uncanceled license as required by this chapter, or
22 when that user has failed to file any report or pay
23 tax, interest or penalty as required by this chapter
24 and chapter 7, shall constitute a separate violation
25 within the meaning of this section. The state police
26 officer assigned to the Bureau of Taxation pursuant
27 to section 2972 shall also assist in the enforcement
28 of this chapter.

29 §3218. Refund of tax in certain cases, time limit

30 Any person, association of persons, firm or cor-
31 poration who shall buy and use an internal combustion
32 engine fuel, as defined in this chapter, for the pur-
33 pose of operating or propelling motor boats, tractors
34 used for agricultural purposes not operating on
35 public ways, or in such vehicles as run only on rails
36 or tracks, in stationary engines, in the mechanical
37 or industrial arts, for registered vehicles operating
38 off the highways of this State, or for any other com-
39 mercial use except in registered motor vehicles oper-
40 ated on the highways of this State, and who shall
41 have paid any tax on internal combustion engine fuel
42 levied or directed to be paid as provided by this
43 chapter, either directly by the collection of the tax

1 by the vendor from the consumer, or indirectly by
2 adding the amount of that tax to the price of that
3 fuel and paid by that consumer, shall be reimbursed
4 and repaid, less 1¢, upon presenting to the State Tax
5 Assessor a sworn statement accompanied by the orig-
6 inal invoices or other evidence as the State Tax
7 Assessor may require showing those purchases, which
8 statement shall show the total amount of the fuel so
9 purchased and used by that consumer other than in
10 registered motor vehicles operated on the highways of
11 this State, and in the operation of aircraft. Appli-
12 cations for refunds shall be filed with the State Tax
13 Assessor within 15 months from the date of purchase.

14 A monthly refund application on a form prescribed
15 by the State Tax Assessor may be filed at the close
16 of any month to claim refunds for the excise tax on
17 internal combustion engine fuel, as defined in this
18 chapter, bought and used in registered operating off
19 the highways of this State. That application shall
20 be processed and approved for payment promptly.
21 Interest shall be paid at the same rate as is com-
22 puted under section 186 calculated from the date of
23 receipt of the monthly claim for all proper claims
24 not paid within 30 days of receipt. Nothing in this
25 paragraph may be construed to relieve the applicant
26 from filing quarterly substantiating information as
27 prescribed in section 3209.

28 All fuel qualifying for a refund under this
29 section is subject to use tax levy in accordance with
30 chapter 215.

31 §3219. Purpose

32 The tax imposed by this chapter is levied for the
33 purpose of providing revenue to be used by this State
34 to defray in whole or in part the cost of construct-
35 ing, widening, reconstructing, maintaining,
36 resurfacing and repairing the public highways of this
37 State and the cost and expense incurred in the admin-
38 istration and enforcement of this chapter, and for no
39 other purpose whatsoever.

40 Sec. 7. 36 MRSA c. 461 is enacted to read:

41 CHAPTER 461

1 TRUST FUNDS

2 §3231. Taxes held in trust for the State Tax Asses-
3 sor

4 All taxes collected by any supplier from pur-
5 chasers pursuant to chapter 459 and all taxes col-
6 lected by any supplier from purchasers under chapter
7 459 and any tax collected by a distributor or
8 importer pursuant to chapter 451 which have not been
9 properly returned or credited to the purchasers from
10 whom they were collected, shall constitute a special
11 fund in trust for the State Tax Assessor. The lia-
12 bility for the taxes shall be enforceable by assess-
13 ment and collection in the manner prescribed in chap-
14 ters 7, 451 and 459, against:

15 1. Supplier, distributor and importer. The sup-
16 plier, distributor and importer; and

17 2. Officer, director, member, agent or employee
18 of any supplier, distributor or importer. Any offi-
19 cer, director, member, agent or employee of any sup-
20 plier, distributor or importer who, in that capacity,
21 is responsible for the control or management of the
22 funds or finances of that supplier, distributor or
23 importer or is responsible for the payment of the
24 supplier, distributor or importer taxes.

25 §3232. Notice to segregate trust funds

26 Whenever the State Tax Assessor finds that the
27 payment of the trust funds established under section
28 3231 will be jeopardized by delay, neglect or mis-
29 appropriation or whenever any supplier, distributor
30 or importer fails to make payment of taxes or file
31 reports as required by chapters 451 and 459, the
32 State Tax Assessor may give notice to the supplier,
33 distributor or importer that the trust funds shall be
34 segregated from and shall not be commingled with any
35 other funds or assets of the supplier, distributor or
36 importer. Within 5 days after the mailing of that
37 notice, all taxes which thereafter become collectible
38 or are collected shall be deposited daily in a bank
39 approved by the State Tax Assessor, in a separate ac-
40 count, in trust for, and payable to the State Tax
41 Assessor and kept in that account until paid to him.

1 The notice shall remain in effect until a notice of
2 cancellation is given by the State Tax Assessor.

3 §3233. Revocation of registration

4 Upon the expiration of the 5-day period desig-
5 nated in section 3232, if any supplier, distributor
6 or importer fails to make the deposits required or,
7 after making the deposits, withdraws any portion
8 thereof, the State Tax Assessor may revoke any regis-
9 tration certificate which has been issued to the sup-
10 plier, distributor or importer. The revocation shall
11 be reviewable in accordance with section 151.

12 §3234. Misappropriation of trust funds

13 1. Supplier, distributor or importer. A sup-
14 plier, distributor or importer is guilty of misappro-
15 propriation of trust funds, if:

16 A. He willfully appropriates or converts the tax
17 collected to his own use or to any use other than
18 the payment of tax; and

19 B. The amount of tax required to be collected or
20 paid on the due date prescribed in chapters 451
21 and 459.

22 2. Supplier, distributor or importer; defini-
23 tion. For the purposes of this section, the term
24 supplier, distributor or importer includes, in addi-
25 tion to the persons described in section 3202, sub-
26 section 5, any officer, director, member, agent or
27 employee of any supplier, distributor or importer
28 who, in that capacity, is responsible for the control
29 or management of the funds or finances of that sup-
30 plier, distributor or importer or responsible for
31 either the collection or payment of that supplier,
32 distributor or importer's taxes.

33 3. Misappropriation; Class D crime. Misappro-
34 propriation of trust funds is a Class D crime.

35 §3235. Tax a debt; recovery; preference

36 The taxes, interest and penalties imposed by
37 chapters 7, 451 and 459, from the time the same shall

1 be due, shall be personal debt of the supplier, dis-
2 tributor, importer, motor carrier or user to the
3 State, recoverable in any court of competent juris-
4 isdiction in a civil action in the name of the State,
5 and shall have preference in any distribution of the
6 assets of the taxpayer, whether in bankruptcy, insol-
7 vency or otherwise. The proceeds of any judgment
8 obtained shall be paid to the State Tax Assessor.

9 §3236. Warrant; request for

10 If any amount required to be paid to the State,
11 under chapter 451, 453 or 459, is not paid when due,
12 and no further review of the assessment is available
13 under section 151, the State Tax Assessor may, within
14 3 years after administrative and judicial review has
15 been exhausted, notify the person who according to
16 the records of the State Tax Assessor is liable,
17 specifying the amount required to be paid and inter-
18 est and penalty due, and demanding payment within 12
19 days after the sending of that notice. The notice
20 shall be given, as required by section 111, subsec-
21 tion 2, and shall warn the person that if he does not
22 make payment as demanded, the State Tax Assessor may
23 proceed to have the amount due collected by warrant
24 as provided or may certify the amount due to the
25 Attorney General for collection and, in addition, in
26 the case of an amount due in respect to any vehicle,
27 that if he does not make payment as demanded, suspen-
28 sion of the registration certificate and plates
29 issued for that vehicle may result.

30 If the person does not make the payment as
31 demanded within the 12-day period, or the extension
32 thereof as the State Tax Assessor may allow, the
33 State Tax Assessor may file in the office of the
34 clerk of the Superior Court of Kennebec County, or
35 any county, a certificate addressed to the clerk
36 specifying the amount required to be paid, interest
37 and penalty due, the name and address of the person
38 liable as it appears on the records of the State Tax
39 Assessor, the facts whereby the amount has become
40 final as to law and fact, the notice given, and
41 requesting that a warrant be issued against the
42 person in the amount required to be paid, together
43 with interest and penalty as set forth in the certifi-
44 cate, and with costs.

1 If the State Tax Assessor thinks there are just
2 grounds to fear that the person may abscond within
3 the 12-day period, he shall not be required to give
4 notice to the person and may, without further notice,
5 file in the office of the clerk of the Superior Court
6 a certificate addressed to the clerk requesting the
7 immediate issuance of a warrant.

8 §3237. Issuance

9 The clerk of the Superior Court, immediately upon
10 the filing of the certificate, shall issue a warrant
11 in favor of the State against the person in the
12 amount to be paid together with interest and penalty
13 as set forth in the certificate, and with costs.

14 The clerk of the Superior Court shall file the
15 certificate in a looseleaf book entitled "Warrants
16 for Special Fuel Tax." These records are not to
17 become a part of the extended record of that court.

18 §3238. Lien of tax

19 If any amount required to be paid to the State,
20 under chapter 7, 451, 453 or 459, is not paid when
21 due, the State Tax Assessor may file in the office of
22 the registry of deeds of the county where that prop-
23 erty is located, with respect to real property or
24 fixtures and in the office in which a security or
25 financing statement or notice with respect to per-
26 sonal property would be filed, a notice of lien
27 specifying the amount of tax, interest, penalty and
28 costs due, the name and last known address of the
29 person liable for the amount and the fact that the
30 State Tax Assessor has complied with all the provi-
31 sions of chapter 7, 451, 453 or 459 in the assessment
32 of the tax. From the time of filing, the amount set
33 forth in the certificate constitutes a lien upon all
34 property of the person liable in the county then
35 owned by him or thereafter acquired by him in the
36 period before the expiration of the lien. In the
37 case of any prior mortgage on any real or personal
38 property so written as to secure a present debt and
39 also future advances by the mortgage to the mort-
40 gagor, the lien provided in this section, when notice
41 of it has been filed in the proper office, shall be
42 subject to the prior mortgage, unless the State Tax

1 Assessor also notifies the mortgagee of the recording
2 of the lien in writing, in which case any indebted-
3 ness thereafter created from the mortgagor to the
4 mortgagee shall be junior to the lien provided in
5 this section. The lien provided in this section has
6 the same force, effect and priority as a judgment
7 lien and shall continue for 5 years from the date of
8 filing unless sooner released or otherwise dis-
9 charged. The lien may, within the 5-year period or
10 within 5 years from the date of the last extension of
11 the lien in the manner provided in this section, be
12 extended by filing for record in the appropriate
13 office a notice of extension of lien and from the
14 time of that filing, the lien shall be extended for 5
15 years unless sooner released or otherwise discharged.

16 §3239. Form and effect

17 The warrant shall have the force and effect of an
18 execution issued upon a judgment in a civil action
19 for taxes and may be directed to the sheriffs of the
20 respective counties, their deputies or to any agent
21 of the State Tax Assessor authorized pursuant to
22 section 112, subsection 6, to collect any tax imposed
23 under this Title.

24 In the execution of the warrant and the collec-
25 tion of the taxes or in supplementary disclosure pro-
26 ceedings in Title 14, chapter 502, an agent of the
27 State Tax Assessor shall have the powers of a sheriff
28 and shall be entitled to collect from the debtor the
29 same fees and charges permitted to a sheriff. All
30 fees and charges collected by the agent of the State
31 Tax Assessor shall be promptly remitted to the State.

32 The warrants may be in substantially the follow-
33 ing form.

34 " _____, ss. - To the sheriffs
35 (Name of County)

36 of our respective counties or either of their depu-
37 ties, or any agent of the State Tax Assessor author-
38 ized to collect taxes imposed under the Special Fuel
39 Tax Act;

40 "Whereas, the State Tax Assessor has certified,

1 that, pursuant to the terms of the Revised Statutes,
2 Title 36, section 151, the amount of certain special
3 fuel taxes assessed against _____ of
4 _____ , with interest and penalty,
5 has become final because of exhaustion of administra-
6 tive and judicial review, to wit:

7	<u>Special Fuel Tax</u>	<u>\$.....</u>
8	<u>Penalty</u>	<u>.....</u>
9	<u>Interest</u>	<u>.....</u>
10		<u>_____</u>
11	<u>Total</u>	<u>\$.....</u>

12 and \$ _____ costs of this proceeding
13 _____ and the same is unpaid \$ _____ ;

14 "We command you, therefore, that of the money,
15 goods and chattels of the debtor, in your precinct,
16 or the value thereof in money, you cause to be paid
17 and satisfied unto the State the total and costs, and
18 _____ cents more for this warrant, together with your
19 fees.

20 "Hereof fail not, and make due return of this
21 warrant, with your doings thereon, unto my office
22 within one year from this date.

23 _____,

24 Clerk of Courts, County of _____

25 Date _____ "

26 Warrants shall be returnable within one year.
27 New warrants may be issued on any such certificate
28 within 2 years from the return day of the last pre-
29 ceding warrant for sums remaining unsatisfied.

30 Warrants shall be served by the sheriff of any
31 county or by any of his deputies or by any agent of
32 the State Tax Assessor authorized to collect taxes
33 imposed under the special fuel tax law in the county
34 where the person may be found.

1 §3240. Priority of tax

2 Whenever any person liable for any tax levied is
3 insolvent, whenever any such person makes a voluntary
4 assignment of his assets, whenever the estate of a
5 deceased person liable in the hands of the executors,
6 administrators or heirs is insufficient to pay all
7 the debts due from the deceased or whenever estate
8 and effects of an absconding, concealed or absent
9 person liable are levied upon by process of law, the
10 tax, together with interest attaching thereto, shall
11 be first settled. This section shall not be con-
12 strued to give the State a preference over any
13 recorded lien which attached prior to the date when
14 the tax became due.

15 §3241. Enforcement of lien

16 The lien provided for by section 3238 may be
17 enforced at any time after the tax liability with
18 respect to which the lien arose becomes collectible
19 under section 3236 by a civil action brought by the
20 Attorney General in the name of the State in the
21 Superior Court of the county in which the property is
22 located to subject any property, of whatever nature,
23 of the person liable, or in which he has any right,
24 title or interest, to the payment of that tax or lia-
25 bility. The court shall, after the parties have been
26 duly notified of the action, proceed to adjudicate
27 all matters involved therein and finally determine
28 the merits of all claims to and liens upon the prop-
29 erty and, in all cases where a claim or interest of
30 the State therein is established, may decree a sale
31 of that property, by the proper officer of the court,
32 and a distribution of the proceeds of that sale ac-
33 ording to the findings of the court. If the prop-
34 erty is sold to satisfy a lien held by the State, the
35 State may bid at the sale such sum, not exceeding the
36 amount of the lien with expenses of sale, as the
37 State Tax Assessor directs.

38 §3242. Injunctions

39 The State Tax Assessor may, by filing a com-
40 plaint, apply for the revocation of registration, and
41 injunction from doing business, of any person re-
42 quired to register by this Part or any rule promul-

1 gated pursuant thereto, who has omitted to register
2 within 15 days after the State Tax Assessor has made
3 demand, as provided by section 111, subsection 2; or
4 has omitted to file with the State Tax Assessor any
5 overdue report within 15 days after the State Tax
6 Assessor has made demand therefor as provided by
7 section 111, subsection 2; or has knowingly filed a
8 false report; or has omitted to pay any tax required
9 by him by this Part when the tax is shown to be due
10 on a report filed by the taxpayer or admitted to be
11 due by the taxpayer, or has been determined to be due
12 and that determination has become final under this
13 Part. The existence of other civil or criminal reme-
14 di- es shall be no defense to this proceeding.

15 The complaint shall be deemed adequate as to form
16 if it sets forth the name and the address of the
17 defendant as stated in his last return filed with the
18 State Tax Assessor, or if no return was filed, the
19 address, if any, known to the State Tax Assessor; the
20 breach of the law or ruling or rule committed by the
21 defendant; and the State Tax Assessor's prayer for
22 relief. The paragraphs of the complaint shall be
23 numbered. The complaint need not be verified.

24 The complaint may be presented to the Superior
25 Court in any county where the defendant has a regular
26 place of business, or, if he has no regular place,
27 then in Kennebec County. The court shall forthwith
28 fix a time and place for hearing and cause notice
29 thereof to be given the defendant. The defendant
30 shall serve upon the State Tax Assessor a copy of his
31 answer to the complaint at least 3 days before the
32 day of hearing. The answer shall be paragraphed and
33 numbered to conform with the numbering of the para-
34 graphs in the complaint so far as may be. Any alle-
35 gation of fact in the complaint which is not denied
36 shall be taken as true.

37 Jurisdiction is granted to the Superior Court to
38 hear and determine these matters, and to enter and
39 change such orders and decrees from time to time as
40 the nature of the case may require and, if necessary,
41 to appoint a receiver. From any final decree of the
42 Superior Court, an appeal lies to the Law Court. The
43 appeal shall be heard by the Law Court in the same
44 manner as in other actions.

1 **Sec. 8. Appropriation.** The following funds are
 2 appropriated from the General Fund to carry out the
 3 purposes of this Act.

	<u>1983-84</u>	<u>1984-85</u>
4		
5 <u>FINANCE AND ADMINISTRATION,</u>		
6 <u>DEPARTMENT OF</u>		
7		
8 Positions	(6)	(6)
9 Personal Services	\$65,000	\$85,000
10 All Other	35,000	35,000
11 Capital Expenditures	9,000	5,000
12		
Total	\$109,000	\$125,000

13 Pursuant to Title 36, section 3219, the Depart-
 14 ment of Transportation will reimburse the General
 15 Fund for the cost incurred in the administration of
 16 chapter 459.

17 **Sec. 9. Termination date.** Unless extended by
 18 the First Regular Session of the 112th Legislature,
 19 this part shall become null and void on July 1, 1985
 20 and the law governing Use Fuel Tax in effect immedi-
 21 ately prior to the enactment of this Act shall pre-
 22 vail unless comparable legislation is enacted.

23 **PART E**

24 **Sec. 1. 36 MRSA §2910-A is enacted to read:**

25 §2910-A. Refund to political subdivisions

26 Any political subdivision of the State which buys
 27 and uses any internal combustion engine fuel as de-
 28 defined in section 2902, on or after July 1, 1983, and
 29 which has paid a tax levied as provided by this chap-
 30 ter either directly by the collection of the tax by
 31 the vendor from the consumer, or indirectly by adding
 32 the amount of the tax to the price of the fuel and
 33 paid by the consumer, shall be reimbursed in the
 34 amount of the tax paid upon presenting to the State
 35 Tax Assessor a statement accompanied by the original
 36 invoices showing purchases. Applications for refunds
 37 shall be filed with the State Tax Assessor within 12

1 months from the date of purchase.

2 **Emergency clause.** In view of the emergency cited
3 in the preamble, this Act shall take effect when
4 approved; except that Part C, Sections 1 to 8 shall
5 take effect on January 1, 1984; Part D shall take
6 effect on October 1, 1983; and Part E shall take
7 effect on July 1, 1983.

8 FISCAL NOTE

9 PART A

10 APPROPRIATION - ALLOCATION

11		<u>1982-83</u>	<u>1983-84</u>	<u>1984-85</u>
12	Highway Fund			
13	Amounts	\$3,685,705	\$117,556,035	\$119,058,732
14	Other Funds		<u>167,236,078</u>	<u>168,960,296</u>
15	Total	\$3,685,705	\$284,792,113	\$288,019,028

16 PART B

17 It is estimated that additional revenue in the
18 amount of \$1,102,000 will be generated by this Part
19 of the bill.

20 PART C

21 It is estimated that additional revenue in the
22 amount of \$62,200,000 will be generated by this Part
23 of the Bill.

24 PART D

25 Appropriation

26		<u>1983-84</u>	<u>1984-85</u>
27	<u>FINANCE AND ADMINISTRATION,</u>		
28	<u>DEPARTMENT OF</u>		
29	Positions	(6)	(6)
30	Personal Services	\$65,000	\$85,000
31	All Other	35,000	35,000
32	Capital Expenditures	9,000	5,000
33		<hr/>	<hr/>

1 Total \$109,000 \$125,000

2 Pursuant to Revised Statutes, Title 36, section
3 3219, the Department of Transportation will reimburse
4 the General Fund for the cost incurred in the admin-
5 istration of Title 36, chapter 459.

6 It is further estimated that additional revenue
7 in the amount of \$1,500,000 will be generated by this
8 Part of the Bill.

9 PART E

10 It is estimated that there will be a loss of rev-
11 enue in the amount of \$1,800,000 as a result of this
12 Part of the Bill.

13 STATEMENT OF FACT

14 Part A of this bill allocates and appropriates
15 funds from the Highway Fund in amounts equal to reve-
16 nue expected from highway taxes. The format for the
17 allocations is considerably different from past High-
18 way Allocation Acts in the following manner.

19 1. Part A, sections 1 to 22 are essentially the
20 same as corresponding sections in the General Fund,
21 Part 1, appropriations' bill.

22 2. Allocations are by line item, including spe-
23 cific allocations for Personal Services, All Other
24 and Capital Expenditures.

25 3. The number of permanent positions associated
26 with each account are identified for control pur-
27 poses.

28 Important allocations are made in this new draft:

29 1. To complete the state commitment for the state
30 aid program, \$6,300,000;

31 2. For the Local Road Block Grant Program,
32 \$23,200,000. This will continue the program at the
33 same level as in 1983. There also is included a re-
34 quirement for a study by the Commissioner of Trans-

1 portation in cooperation with the Maine Municipal
2 Association to further consider and recommend changes
3 that may be required to improve equity among communi-
4 ties;

5 3. For approximately 1,200 miles of maintenance
6 resurfacing during the biennium. Specific work is
7 described in the department's Transportation Invest-
8 ment Program for 1984-85, dated February 15, 1983;

9 4. For the Collector Road Program, \$9,000,000.
10 These funds will improve approximately 185 miles of
11 rural, nonfederal state aid roads retained by the
12 State. Specific work is also described in the depart-
13 ment's Transportation Investment Program;

14 5. To match available federal highway funds,
15 \$10,000,000. The new Federal Highway Act, passed in
16 December 1982, has substantially increased the amount
17 of federal funds available to the State for highway
18 and bridge improvements. This \$10,000,000 allocation
19 from current revenue, together with an additional
20 \$21,600,000 contained in a proposed highway bond
21 issue, will match about \$132,000,000 federal funds
22 available to the State. The specific work associated
23 with this effort is described in detail in the
24 department's Transportation Investment Program; and

25 Part B of the bill revises truck size and weight
26 laws to conform with federal laws, and makes certain
27 reforms to further implement the recommendations of
28 the Highway Cost Allocation Study Steering Committee.

29 Part B, section 1 defines farming and agricult-
30 ure. This definition is necessary so that law
31 enforcement officers can clearly determine if vehi-
32 cles registered as farm vehicles are registered cor-
33 rectly.

34 Section 2 defines motor homes.

35 Section 3 clarifies the definition of special
36 mobile equipment.

37 Sections 4 to 7 permit the operation of so-called
38 double bottoms on the Interstate Highway System and
39 certain other highways in accordance with the provi-

1 sions of the new federal law; retain the existing
2 single motor vehicle length of 45 feet; the existing
3 length of 60 feet for a combination truck tractor
4 semitrailer with a 45-foot restriction for the semi-
5 trailer on highways not prohibited by federal law;
6 the existing 68 1/2-foot tree length logs provision
7 and the exemption for fire department vehicles and
8 disabled vehicles being towed to a repair facility;
9 and permit the operation of a combination of truck
10 tractor semitrailer, on the Interstate Highway System
11 and certain other highways, with an overall length in
12 excess of 60 feet, provided that the semitrailer does
13 not exceed 48 feet in length and the operation of
14 double bottom combinations on these highways with an
15 overall length in excess of 60 feet, provided that
16 neither trailing unit exceeds 28.5 feet in length in
17 accordance with the federal law.

18 Sections 8 and 9 provide further clarity as to
19 when a vehicle may be operated with a farm truck
20 registration.

21 Section 10 provides that after September 30,
22 1984, the federal heavy vehicle use tax has to be
23 paid before a registration certificate will be
24 issued. This is in accordance with the provisions of
25 the new federal law.

26 Section 11 changes the bridge formula to comply
27 with federal law as it relates to the interstate sys-
28 tem. State law currently applies the formula to the
29 distance between extreme axles. Federal law requires
30 the formula to be applied on any group of 2 or more
31 axles.

32 Section 12 permits a combination vehicle consist-
33 ing of a 3-axle truck tractor operating in combina-
34 tion with a tri-axle semitrailer to operate, under a
35 general permit, with a maximum gross weight of 90,000
36 pounds.

37 Section 13 provides for a 20,000-pound single
38 axle unit limit on the Interstate Highway System when
39 the gross weight is in excess of 73,280 pounds. Maine
40 is grandfathered for a 22,000-pound single axle unit
41 when the gross weight is 73,280 pounds or less.
42 Maine law did not address a tri-axle unit at the time

1 of enactment of the 1956 Federal Highway Act, there-
2 fore, federal law requires that the tri-axle unit
3 limit on the Interstate Highway System be determined
4 by application of the bridge formula.

5 Section 14 provides for a fine to be assessed for
6 vehicles operating on the Interstate Highway System
7 with gross or axle weight limits in excess of the
8 limits established for the system, but within speci-
9 fied tolerances.

10 Sections 15 and 16 extend the 64,000-pound
11 tri-axle tolerance from November 1, 1983, until March
12 1, 1984, or until the annual registration certificate
13 for the 1984 registration year is obtained, whichever
14 occurs first; repeal the 1,000-pound axle weight
15 excess before a vehicle is in violation; establish a
16 special commodity permit fee; provide that the combi-
17 nation vehicle described in section 15 may operate
18 under a special commodity permit with a maximum gross
19 weight of 100,000 pounds, provided that the gross
20 weight on a tandem axle unit shall not exceed 44,000
21 pounds and the gross weight on the tri-axle unit
22 shall not exceed 54,000 pounds; and provide that the
23 gross weight on a tandem axle unit of a 5 or more
24 axle combination vehicle operating under a special
25 commodity permit shall not exceed 44,000 pounds.

26 Sections 17 and 18 repeal the present 5% and 10%
27 registration tolerance and replaces it with tolerance
28 of 2 1/2% or 500 pounds, whichever is the greater.

29 Section 19 repeals the 96-inch width limit on the
30 Interstate Highway System in accordance with the new
31 federal law.

32 Section 20 provides for an extended highway cost
33 allocation evaluation.

34 Section 21 requires the Commissioner of Trans-
35 portation to report to the First Regular Session of
36 the 112th Legislature such activities and progress as
37 may have occurred in the formation of registration,
38 operating authority and fuel use compacts with other
39 states and provinces.

40 Section 22 requires the Commissioner of Trans-

1 portation to prepare any legislation as may be neces-
2 sary to improve the clarity and administration of
3 existing statutes relating to registration, opera-
4 tion, payment of fuel taxation and related matters
5 for the Second Regular Session of the 111th Legis-
6 lature.

7 Section 23 requires the commissioner to prepare
8 legislation to adjust gross weights, axle weights and
9 axle spacings of trucks and truck combinations for
10 the Second Regular Session of the 111th Legislature.

11 Part C of the bill does the following:

12 Sections 1 to 8 make adjustments in the registra-
13 tion fee schedule for certain vehicles.

14 Section 9 provides for mirror reciprocity.

15 Section 10 establishes the motor fuel tax at 14¢
16 per gallon.

17 Section 11 places an annual limit on the amount
18 of the excise tax on internal combustion engine fuel
19 which is set aside for motorboats.

20 Sections 12 to 15 make adjustments to the law
21 consistent with the change in the motor fuel tax
22 rate.

23 Section 16 allows for a reporting exemption for
24 motor carriers operating exclusively within the
25 State.

26 Sections 17 to 19 make adjustments to the law
27 consistent with the change in the motor fuel tax
28 rate.

29 Section 20 provides a sunset on section 11 unless
30 action is taken during the First Regular Session of
31 the 112th Legislature.

32 Part D of this bill does the following:

33 Section 1 exempts off-highway consumption of dis-
34 tillates in registered vehicles from the special fuel
35 tax. It exempts off-highway consumption of gasoline

1 in registered vehicles from the gasoline tax. It
2 also exempts the requirement of consumers of special
3 fuel from filing quarterly tax returns under the sup-
4 plier tax if their use is solely intrastate. Section
5 1 provides for a monthly refund program to both con-
6 sumers of special fuel and gasoline for the exemp-
7 tions that apply to off-highway consumption and for
8 fuel tax paid to other comparable taxing jurisdic-
9 tions. It also provides that the applicant will be
10 paid interest on the refund if the claim is not pro-
11 cessed and approved for payment promptly.

12 Section 2 creates a penalty for failure to file
13 or filing a false statement on a refund application.

14 Section 3 calls for licensing of motor carriers
15 (gasoline users) with the Bureau of Taxation. It
16 gives the State Tax Assessor the authority to refuse
17 licensing a motor carrier for fraudulent application
18 or one under suspension. Presently, there is no
19 violation for operating without a motor carrier fuel
20 license. This section makes a violation a Class E
21 crime, and requires motor carriers terminating their
22 businesses to notify the State Tax Assessor within 15
23 days and pay any accrued taxes, penalties and inter-
24 est. Violation of this section is a Class E crime.

25 Section 4 changes violation of collection proce-
26 dures from a civil action to a criminal action.

27 Section 6 enacts the "Special Fuel Tax Act".

28 Section 7 calls for:

29 1. Making special fuel taxes and gasoline taxes
30 trust funds of the State; and

31 2. Making the assessment and collection proce-
32 dures of the special fuel and gasoline taxes con-
33 sistent with the procedures applicable to the
34 sales use and income taxes.

35 Section 8 appropriates funds from the General
36 Fund to be reimbursed by the Department of Trans-
37 portation with highway funds.

38 Section 9 provides for sunset of the suppliers

1 law unless legislative action is taken during the
2 First Regular Session of the 112th Legislature.

3 Part E provides a refund of gasoline tax paid by
4 political subdivisions of the State beginning July 1,
5 1983.

6 Summary of Effective Dates

7 Part A.....Emergency

8 Part B.....Emergency

9 Sections 20 and 21 report

10 to First Regular Session

11 of 112th Legislature;

12 Sections 22 and 23 report to

13 Second Regular Session

14 of the 111th Legislature

15 Part C.....Sections 1 to 8: January 1, 1984

16 Sections 9 to 20 Emergency

17 Part D.....October 1, 1983

18 Part E.....July 1, 1983

19

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