

# MAINE STATE LEGISLATURE

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(EMERGENCY)  
(New Draft of H.P. 886, L.D. 1140)

FIRST REGULAR SESSION

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ONE HUNDRED AND ELEVENTH LEGISLATURE

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Legislative Document No. 1576

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H.P. 1183 House of Representatives, May 9, 1983

Reported by Representative Strout from the Committee on Transportation and printed under Joint Rule 2.

Original bill presented by Representative Higgins of Scarborough.  
Cosponsored by Representative Ingraham of Houlton, Senator Emerson of Penobscot and Representative Carroll of Limerick.

EDWIN H. PERT, Clerk

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STATE OF MAINE

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

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AN ACT to Suspend Operation Authority on  
Motor Vehicles which Fail to Comply with the  
Gasoline Reporting Law.

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

Whereas, present motor vehicle law provides that the registration of vehicles, operators' licenses and permits may be revoked, canceled or suspended if the driver of the vehicle fails to pay the gasoline road tax or the use fuel tax;

Whereas, the driver of the vehicle, in a number of cases, is not responsible by present tax law for the payment of these taxes; and

1           Whereas, there is no formal procedure by which  
2 the Secretary of State is notified that a motor carrier  
3 is in violation of the gasoline road or use fuel  
4 tax laws; and

5           Whereas, the potential exists for the loss of  
6 substantial revenues to the Highway Fund unless the  
7 law is corrected; and

8           Whereas, in the judgment of the Legislature,  
9 these facts create an emergency within the meaning of  
10 the Constitution of Maine and require the following  
11 legislation as immediately necessary for the preservation  
12 of the public peace, health and safety; now,  
13 therefore,

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

16           Sec. 1. 29 MRSA §2241, sub-§1, ¶L, as enacted by  
17 PL 1981, c. 689, §2, is repealed.

18           Sec. 2. 29 MRSA §2241, sub-§1-A is enacted to  
19 read

20           1-A. Suspension for failure to comply with tax  
21 law. The Secretary of State or any Deputy Secretary  
22 of State may suspend all the certificates of registration  
23 and all the fuel use identification decals issued by the State  
24 to any motor carrier without preliminary hearing upon showing  
25 by records or other sufficient evidence that the person responsible  
26 for complying with the payment of reporting provisions of  
27 Title 36, chapter 453, 457 or 459 has failed to comply with the  
28 provisions in these chapters. The Secretary of State shall  
29 notify the motor carrier that all certificates of registration  
30 and all fuel use identification decals issued to that motor  
31 carrier are in suspension and that the motor carrier may  
32 request a hearing in writing within 10 days. Any suspension shall  
33 remain in effect pending the outcome of the hearing.  
34  
35  
36

37           Sec. 3. 36 MRSA §2967, as amended by PL 1981, c.  
38 689, §4, is further amended by adding at the end 2  
39 new paragraphs to read:



1 responsible for payment of these taxes fails to com-  
2 ply with the tax laws.

3 This new draft retains the provisions in the  
4 original bill that require the State Tax Assessor to  
5 notify the Secretary of State when a motor carrier is  
6 in violation of Title 36, chapter 453, 457 or 459.

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