MAINE STATE LEGISLATURE

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1 2	(EMERGENCY) (New Draft of H.P. 886, L.D. 1140)
3 4	FIRST REGULAR SESSION
5 6	ONE HUNDRED AND ELEVENTH LEGISLATURE
7 8	Legislative Document No. 1576
9 10	H.P. 1183 House of Representatives, May 9, 1983 Reported by Representative Strout from the Committee on Transportation
11	and printed under Joint Rule 2. Original bill presented by Representative Higgins of Scarborough.
12	Cosponsored by Representative Ingraham of Houlton, Senator Emerson of Penobscot and Representative Carroll of Limerick.
13	EDWIN H. PERT, Clerk
14 15	STATE OF MAINE
16 17 18	IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-THREE
19 20 21 22	AN ACT to Suspend Operation Authority on Motor Vehicles which Fail to Comply with the Gasoline Reporting Law.
23 24 25	Emergency preamble. Whereas, Acts of the Legis- lature do not become effective until 90 days after adjournment unless enacted as emergencies; and
26 27 28 29 30	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;
31 32 33	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

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

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

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

- Be it enacted by the People of the State of Maine as follows:
- - 1-A. Suspension for failure to comply with tax law. The Secretary of State or any Deputy Secretary of State may suspend all the certificates of registration and all the fuel use identification decals issued by the State to any motor carrier without preliminary hearing upon showing by records or other sufficient evidence that the person responsible for complying with the payment of reporting provisions of Title 36, chapter 453, 457 or 459 has failed to comthese ply with the provisions in chapters. Secretary of State shall notify the motor carrier that all certificates of registration and all fuel use identification decals issued to that motor carrier are in suspension and that the motor carrier may request a hearing in writing within 10 days. suspension shall remain in effect pending the outcome of the hearing.
- 37 Sec. 3. 36 MRSA §2967, as amended by PL 1981, c. 38 689, §4, is further amended by adding at the end 2 new paragraphs to read:

The State Tax Assessor shall notify the Secretary of State and the Bureau of State Police of any motor carrier who has failed to file the reports required by this chapter or who has failed to make tax payments when due.

The Secretary of State, shall suspend vehicle registrations in that carrier's name, if any, and the right of that carrier to operate vehicles in this State as provided in Title 29, section 2241, and the State Police shall refuse to issue or reissue authority, as is required by Title 29, chapter 25.

Sec. 4. 36 MRSA §3038, as amended by PL 1981, c. 689, §6, is further amended by adding at the end 2 new paragraphs to read:

The State Tax Assessor shall notify the Secretary of State and the Bureau of State Police of any carrier who has failed to comply with this chapter.

The Secretary of State shall suspend vehicle registrations in the name of that carrier, if any, and the right to operate as provided in Title 29, section 2241, and the State Police shall refuse to issue or reissue authority required by Title 29, chapter 25.

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

27 STATEMENT OF FACT

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 The purpose of this new draft is to prevent significant losses to the Highway Fund and to improve motor carrier compliance with state tax laws relating to the gasoline road tax, the Special Fuel Tax and motor fuel taxes levied on interstate buses. Currently, the Secretary of State may revoke or suspend registration certificates and fuel use licenses if the driver has failed to pay these taxes. Under existing tax law, the driver in many cases, is not responsible for payment of these taxes. As a result, this new draft authorizes the suspension of a registration certificate or fuel use license if the person

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

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

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