

MAINE STATE LEGISLATURE

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "C" to H.P. 652, L.D. 926, Bill, "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, 1992 and June 30, 1993"

Amend the bill by inserting after the enacting clause (page 1, line 19 in L.D.) the following:

'PART A'

Further amend the bill by inserting before the emergency clause the following:

'PART B'

Sec. B-1. Allocation. The following funds are allocated from the Highway Fund for the fiscal years ending June 30, 1992 and June 30, 1993 to carry out the purposes of this Act.

	1991-92	1992-93
ADMINISTRATION, DEPARTMENT OF		
State Police Headquarters Building Maintenance		
All Other	(\$4,539)	(\$2,255)
Provides for the deallocation of funds from a reduction in All Other expenditures.		
DEPARTMENT OF ADMINISTRATION		
TOTAL	<u>(\$4,539)</u>	<u>(\$2,255)</u>

PUBLIC SAFETY, DEPARTMENT OF

2

Administration - Public Safety

4

Positions - Legislative Count	(-1.0)	(-1.0)
Personal Services	(\$3,497)	(\$1,367)

6

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16

Provides for the deallocation of funds from the deletion of one vacant Clerk Typist I position, one Clerk Stenographer II position and provides for the transfer of the Chief Accountant position from the General Fund.

State Police

18

Capital Expenditures	(\$212,747)	
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20

22

Provides for the deallocation of funds for the purchase of vehicles.

24

**DEPARTMENT OF PUBLIC SAFETY
TOTAL**

26

	(\$216,244)	(\$1,367)
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28

TRANSPORTATION, DEPARTMENT OF

30

Collector Road Program

32

All Other	(\$1,050,520)	(\$2,041,223)
Capital Expenditures	(420,000)	(840,000)

34

TOTAL	(\$1,470,520)	(\$2,881,223)
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36

38

Provides for the deallocation of funds from the Collector Road Program.

40

Highway and Bridge Improvement

42

All Other	(\$3,416,169)	(\$3,500,183)
Capital Expenditures	(2,343,867)	(2,207,853)

44

46

TOTAL	(\$5,760,036)	(\$5,708,036)
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52

Provides for the deallocation of funds from the Highway and Bridge Improvement Program for fiscal year 1991-92 and fiscal year 1992-93.

2	Highway Maintenance		
4	Capital Expenditures		(\$4,300,000)
6	Provides for the deallocation		
8	of funds from the Highway		
10	Maintenance Program for		
	fiscal year 1992-93.		
	Railroad Assistance Program		
12	All Other	(\$1,000,000)	(\$1,000,000)
14	Provides for the deallocation		
16	of funds from the Railroad		
18	Assistance Program.		
20	DEPARTMENT OF TRANSPORTATION		
	TOTAL	<u>(\$8,230,556)</u>	<u>(\$13,889,259)</u>
22	SECTION B-1		
	TOTAL ALLOCATIONS	<u>(\$8,451,339)</u>	<u>(\$13,892,881)</u>
24	Sec. B-2. Allocation. The following funds are allocated from		
26	the Highway Fund for the fiscal years ending June 30, 1992 and		
28	June 30, 1993, to the departments listed, the sums identified in		
30	the following, in order to provide funding for approved		
	reclassifications and range changes.		
32		1991-92	1992-93
34	PUBLIC SAFETY, DEPARTMENT OF		
36	Administration - Public Safety		
38	Personal Services	\$913	\$913
40	State Police		
42	Personal Services	\$2,158	\$2,309
44	DEPARTMENT OF PUBLIC SAFETY		
	TOTAL	<u>\$3,071</u>	<u>\$3,222</u>
46	SECRETARY OF STATE,		
48	DEPARTMENT OF THE		
50	Administration - Motor Vehicles		
52	Personal Services	\$13,257	\$11,384

Fuel Use Decal Program

2			
	Personal Services	\$724	\$727
4			
6	DEPARTMENT OF THE SECRETARY OF STATE		
	TOTAL	<u>\$13,981</u>	<u>\$12,111</u>
8			
10	TRANSPORTATION, DEPARTMENT OF Administration and Planning		
12			
	Personal Services	\$7,303	\$7,490
14			
16	Highway Maintenance		
	Personal Services	\$2,746	\$2,746
18			
20	DEPARTMENT OF TRANSPORTATION TOTAL	<u>\$10,049</u>	<u>\$10,236</u>
22	SECTION B-2 TOTAL ALLOCATIONS	<u>\$27,101</u>	<u>\$25,569</u>
24			

PART C

28 **Sec. C-1. Allocation.** The following funds are allocated from
 30 the Highway Fund for the fiscal years ending June 30, 1992 and
 32 June 30, 1993 to carry out the purposes of this Act.

32		1991-92	1992-93
34	PUBLIC SAFETY, DEPARTMENT OF		
36	State Police		
38	Personal Services	\$2,300,000	\$5,700,000
40	Provides funds to reflect the		
42	2¢ per gallon gas tax		
44	surcharge for 12 months each		
	fiscal year.		
46	DEPARTMENT OF PUBLIC SAFETY TOTAL	<u>\$2,300,000</u>	<u>\$5,700,000</u>
48	SECRETARY OF STATE, DEPARTMENT OF THE		
50	Motor Vehicles - Administration		
52			

COMMITTEE AMENDMENT "C" to H.P. 652, L.D. 926

2	Positions	(-11.0)	(-11.0)
	Personal Services	(\$193,343)	(\$195,851)
	All Other	404,720	(29,887)
4	Capital Expenditures	74,456	(28,008)
6	TOTAL	<u>\$285,833</u>	<u>(\$253,746)</u>

8 Provides for the deallocation
of funds due to the
10 elimination of 5 Laborer
positions, 3 Computer
12 Operator positions, one
Driver License Examiner I
14 position, one seasonal Driver
License Examiner I position,
16 2 Clerk Stenographer I
positions and one Clerk II
18 position. Funds are
allocated for 1/2 of the
20 positions of Assistant
Secretary of State and an
22 Administrative Assistant.
Also, this allocation
24 includes capital equipment
adjustments and general
26 operating expenses for branch
leases and plate operations.

Fuel Use Decal Program

30	Positions	(-1.0)	(-1.0)
32	Personal Services	(\$19,632)	(\$19,632)

34 Provides for the deallocation
of funds due to the
36 elimination of one Clerk
Typist II position.

**DEPARTMENT OF THE SECRETARY
OF STATE**

40	TOTAL	<u>\$266,201</u>	<u>(\$273,378)</u>
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TRANSPORTATION, DEPARTMENT OF

Bond Interest - Highway

46	All Other	(\$186,450)	
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48 Provides for a deallocation
50 of funds no longer needed.

52 Highway Maintenance

2	All Other		(\$548,550)
4	Provides for a deallocation		
	of funds no longer needed.		
6			
	Railroad Assistance Program		
8	All Other		\$735,000
10	Provides funds for grade		
12	crossing maintenance		
	reimbursement.		
14			
	Highway and Bridge Improvement		
16	Capital Expenditures		\$6,300,000
18	Provides funds for the		
20	Scarborough Interchange		
	project.		
22			
24	DEPARTMENT OF TRANSPORTATION		
	TOTAL	<u>\$-0-</u>	<u>\$6,300,000</u>
26	SECTION C-1		
	TOTAL ALLOCATIONS	<u>\$2,566,201</u>	<u>\$11,726,622</u>
28			
30	Sec. C-2. Allocation. The following funds are allocated from		
	the Highway Fund to carry out the purposes of this Act.		
32		1991-92	1992-93
34	ADMINISTRATION, DEPARTMENT OF		
36	State Police Headquarters		
	Building Maintenance		
38	Personal Services	(\$1,258)	(\$5,486)
40	Provides for a deallocation		
42	of funds due to the over		
44	budgeting of health benefits		
	and an adjustment of the		
46	payroll.		
	Transportation Building Maintenance		
48	Personal Services	(\$3,752)	(\$16,589)
50	Provides for a deallocation		
52	of funds due to the over		

COMMITTEE AMENDMENT "C" to H.P. 652, L.D. 926

2 budgeting of health benefits
and an adjustment of the
4 payroll.

6 **DEPARTMENT OF ADMINISTRATION**
TOTAL

(\$5,010)

(\$22,075)

8 **FINANCE, DEPARTMENT OF**

10 **Claims Board**

12 Personal Services

(\$219)

(\$3,297)

14 Provides for a deallocation
of funds due to the over
16 budgeting of health benefits
and an adjustment of the
18 payroll.

20 **DEPARTMENT OF FINANCE**
TOTAL

(\$219)

(\$3,297)

22 **PUBLIC SAFETY, DEPARTMENT OF**

24 **Administration - Public Safety**

26 Personal Services

(\$4,276)

(\$19,475)

28 Provides for a deallocation
of funds due to the over
30 budgeting of health benefits
and an adjustment of the
32 payroll.

34 **Motor Vehicle Inspection**

36 Personal Services

(\$3,591)

(\$24,999)

38 Provides for a deallocation
of funds due to the over
40 budgeting of health benefits
and an adjustment of the
42 payroll.

44 **Highway Safety**

46 Personal Services

(\$1,580)

(\$8,949)

48 Provides for a deallocation
of funds due to the over
50 budgeting of health benefits

COMMITTEE AMENDMENT "C" to H.P. 652, L.D. 926

2	and an adjustment of the payroll.		
4	State Police		
6	Personal Services	(\$61,643)	(\$392,890)
8	Provides for a deallocation of funds due to the over budgeting of health benefits and an adjustment of the payroll.		
10			
12			
14	Traffic Safety		
16	Personal Services	(\$3,162)	(\$20,752)
18	Provides for a deallocation of funds due to the over budgeting of health benefits and an adjustment of the payroll.		
20			
22			
24	DEPARTMENT OF PUBLIC SAFETY TOTAL	<u>(\$74,252)</u>	<u>(\$467,065)</u>
26			
28	SECRETARY OF STATE, DEPARTMENT OF THE		
30	Administration - Motor Vehicles		
32	Personal Services	(\$100,200)	(\$502,410)
34	Provides for a deallocation of funds due to the over budgeting of health benefits and an adjustment of the payroll.		
36			
38			
40	Fuel Use Decal Program		
42	Personal Services	(\$2,212)	(\$9,395)
44	Provides for a deallocation of funds due to the over budgeting of health benefits and an adjustment of the payroll.		
46			
48			
50	DEPARTMENT OF THE SECRETARY OF STATE TOTAL	<u>(\$102,412)</u>	<u>(\$511,805)</u>
52			

2 **TRANSPORTATION, DEPARTMENT OF**

4 **Administration and Planning**

6 Personal Services (\$31,582) \$204,513

8 Provides for a deallocation
10 and an allocation of funds
12 due to the over budgeting of
health benefits and an
adjustment of the payroll.

14 **Bridge Maintenance**

16 Personal Services (\$53,808) \$117,351

18 Provides for a deallocation
20 and an allocation of funds
due to the over budgeting of
22 health benefits and an
adjustment of the payroll.

24 **Collector Road Program**

26 Personal Services (\$12,276) \$24,140

28 Provides for a deallocation
30 and an allocation of funds
due to the over budgeting of
32 health benefits and an
adjustment of the payroll.

34 **Highway Maintenance**

36 Personal Service (\$308,996) \$704,223

38 Provides for a deallocation
40 and an allocation of funds
due to the over budgeting of
42 health benefits and an
adjustment of the payroll.

44 **Local Bridges**

46 Personal Services (\$1,500) \$11,594

48 Provides for a deallocation
50 and an allocation of funds
due to the over budgeting of
52 health benefits and an
adjustment of the payroll.

2	Radio Operations - Highway		
4	Personal Services	(\$1,595)	\$5,399
6	Provides for a deallocation		
8	and an allocation of funds		
10	due to the over budgeting of		
	health benefits and an		
	adjustment of the payroll.		
12	Traffic Service		
14	Personal Services	(\$13,418)	\$34,355
16	Provides for a deallocation		
18	and an allocation of funds		
20	due to the over budgeting of		
	health benefits and an		
	adjustment of the payroll.		
22	Highway and Bridge Improvement		
24	Personal Services	(\$94,038)	\$322,192
26	Provides for a deallocation		
28	and an allocation of funds		
30	due to the over budgeting of		
	health benefits and an		
	adjustment of the payroll.		
32	DEPARTMENT OF TRANSPORTATION		
	TOTAL	<u> (\$517,213)</u>	<u> \$1,423,767</u>
34			
36	SECTION C-2		
	TOTAL ALLOCATIONS	<u> (\$699,106)</u>	<u> \$419,525</u>

PART D

40 Sec. D-1. 29 MRSA §246-A, sub-§6, as enacted by PL 1981, c.
 42 689, §1, is amended to read:

44 6. Trip permits. The In lieu of fuel tax licensing and
 46 reporting, the Secretary of State may issue, by telegram or
 48 otherwise, a trip permit which that identifies a specific vehicle
 50 and such that vehicle may operate without a fuel use
 52 identification decal being displayed for a period not to exceed 5
 3 consecutive days. Such a trip permit shall must accompany the
 vehicle at all times while being operated on the highways of this
 State. The fee for a 5-day 3-day trip permit is \$5 \$50.

2 **Sec. D-2. 36 MRSA §2903, sub-§1**, as repealed and replaced by
PL 1989, c. 502, Pt. A, §133, is repealed and the following
enacted in its place:

4 1. Excise tax imposed. Except as provided in subsection 2,
6 an excise tax is imposed on internal combustion engine fuel as
8 follows.

10 A. Except as provided in paragraph B, the excise tax on
internal combustion engine fuel used or sold within this
12 State, including sales to the State or a political
subdivision of the State, is 19¢ a gallon.

14 B. Internal combustion engine fuel may be taxed only once
under this section. The distributor that first receives the
16 fuel in this State is primarily responsible for paying the
tax except when the fuel is sold and delivered to a licensed
18 exporter wholly for exportation from the State or to another
distributor in the State, in which case the purchasing
20 distributor is primarily responsible for paying the tax.

22 C. This subsection does not apply to internal combustion
engine fuel:

24 (1) Sold wholly for exportation from this State;

26 (2) Brought into this State in the ordinary
28 standardized equipment fuel tank attached to and a part
of a motor vehicle and used in the operation of that
30 vehicle in this State;

32 (3) Sold in bulk to any political subdivision of this
State;

34 (4) Bought or used by any person to propel jet or
36 turbojet engine aircraft;

38 (5) Brought into this State in the fuel tanks of an
aircraft; or

40 (6) On which the collection of the tax imposed by this
42 section is precluded by federal law or regulation.

44 This subsection is repealed on July 1, 1993.

46 **Sec. D-3. 36 MRSA §2903, sub-§1-A**, as enacted by PL 1987, c.
793, Pt. B, §1, is repealed and the following enacted in its
48 place:

50 1-A. Excise tax imposed. Except as provided in subsection
2, an excise tax is imposed on internal combustion engine fuel as
52 follows.

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A. Except as provided in paragraph B, the excise tax on internal combustion engine fuel used or sold within this State, including sales to the State or a political subdivision of the State, is 17¢ a gallon.

B. Internal combustion engine fuel may be taxed only once under this section. The distributor that first receives the fuel in this State is primarily responsible for paying the tax except when the fuel is sold and delivered to a licensed exporter wholly for exportation from the State or to another distributor in the State, in which case the purchasing distributor is primarily responsible for paying the tax.

C. This subsection does not apply to internal combustion engine fuel:

- (1) Sold wholly for exportation from this State;
- (2) Brought into this State in the ordinary standardized equipment fuel tank attached to and a part of a motor vehicle and used in the operation of that vehicle in this State;
- (3) Sold in bulk to any political subdivision of this State;
- (4) Bought or used by any person to propel jet or turbojet engine aircraft;
- (5) Brought into this State in the fuel tanks of an aircraft; or
- (6) On which the collection of the tax imposed by this section is precluded by federal law or regulation.

This subsection takes effect on July 1, 1993.

Sec. D-4. 36 MRSA §2906, first ¶, as amended by PL 1983, c. 862, §87, is further amended to read:

Every distributor, importer, or exporter, holding a valid certificate as such, shall, on or before the last 21st day of each month, render a report to the State Tax Assessor stating the number of gallons of internal combustion engine fuel received, sold and used in the State by ~~him~~ the distributor, importer or exporter during the preceding calendar month, on forms ~~to--be~~ furnished by the State Tax Assessor. Such reports shall must contain such further information pertinent thereto as the State Tax Assessor shall ~~prescribe~~ prescribes and the State Tax Assessor may make such other reasonable rules and ~~regulations~~ regarding the administration and enforcement of the Gasoline Tax

2 Act as he may deem the State Tax Assessor determines necessary or
expedient, copies of which shall must be sent to such certificate
4 holders. He The State Tax Assessor or his the State Tax
Assessor's duly authorized agent shall must have access during
6 reasonable business hours to the books, invoices and vouchers of
such certificate holders which may that show the fuel handled by
the certificate holder. At the time of the filing of the report,
8 each distributor and importer shall pay to the State Tax Assessor
a tax at the rate set forth in section 2903 upon each gallon ~~se~~
10 reported as sold, distributed or used. An allowance of not more
than 1% from the amount of fuel received by the distributor, plus
12 1% on all transfers in vessels, tank cars or full tank truck
loads by a distributor in the regular course of his business from
14 one of his the distributor's places of business to another within
the State, may be allowed by the State Tax Assessor to cover the
16 loss through shrinkage, evaporation or handling sustained by the
distributor. The total allowance for such losses shall may not
18 exceed 2% of the receipts by such distributor and no further
deduction shall may be allowed unless the State Tax Assessor is
20 satisfied on definite proof submitted to him the State Tax
Assessor that a further deduction should be allowed by him for a
22 loss sustained through fire, accident or some unavoidable
calamity.

24 Sec. D-5. 36 MRSA §3203, as amended by PL 1987, c. 793, Pt.
26 A, §12, is further amended to read:

28 **§3203. Tax levied**

30 An excise tax is levied and imposed upon on all suppliers of
special fuel sold and on all users of special fuel used in this
32 State ~~ea~~ for each gallon of distillate at the rate of 14¢ 20¢ per
gallon and, ~~beginning July 1, 1988, at the rate prescribed in~~
34 ~~section 2903, plus 3¢ per gallon and, on~~ for each gallon of
low-energy fuel at the rate ~~prescribed in section 2903, less 1~~
36 ~~cent~~ of 18¢ per gallon, except sales of special fuel made to the
State or any political subdivision of the State; the special fuel
38 sold or used in such form and under such circumstances as shall
~~preclude~~ precludes the collection of this tax by reasons of the
40 laws of the United States; sold only for exportation from this
State; delivered into a tank used solely for heating or cooking
42 purposes, sold for resale to a licensed or registered supplier;
and sold to a person for the generation of power for resale or
44 manufacturing. When special fuel is delivered by a supplier on a
consignment basis to a consumer or to a retail outlet, whether
46 the retail outlet is wholly owned by the supplier or not, it
~~shall be~~ is considered to have been "sold" within the meaning of
48 the Special Fuel Tax Act. All taxes collected under this section
shall must be credited to the Highway Fund. When kerosene is
50 delivered into a separate tank for retail sale, the excise tax is
not to be collected by the supplier, rather licensed users shall
52 remit the tax in accordance with section 3207.

2 Sec. D-6. 36 MRSA §3203-A, sub-§4, as enacted by PL 1983, c.
4 740, is amended to read:

6 4. Penalties. Any supplier who sells special fuel under
8 this section with the knowledge that it will not be used for
10 heating purposes and any person who purchases special fuel under
12 this section and uses the fuel for any purpose other than heating
~~shall be subject to a civil penalty of \$100 for each violation~~
commits a Class E crime and is subject to a fine of not less than
\$250, payable to the State, to be recovered in a civil action
which may not be reduced.

14 Sec. D-7. 36 MRSA §3216, first ¶, as repealed and replaced by
16 PL 1989, c. 878, Pt. B, §33, is amended to read:

18 Any person who refuses or neglects to make any statement,
20 report, payment or return required by this chapter, or who
refuses or neglects to pay interest or penalties arising from the
nonpayment of taxes required by this chapter, or who knowingly
22 makes, or who aids or assists any other person in making, a false
24 statement in a return or report to the State Tax Assessor, or in
26 connection with an application for refund of any tax, or who
28 knowingly collects or attempts to collect, or causes to be paid
30 to that person or to any other person, either directly or
32 indirectly, any refund of that tax without being entitled to that
34 refund or is in violation of the affidavit as prescribed for
36 registered sellers in section 3205, ~~is guilty of~~ commits a Class
38 E crime and is subject to a fine of not less than \$250, which may
not be reduced. Any fines collected pursuant to this section must
40 be credited to the Highway Fund.

42 Sec. D-8. 36 MRSA §3217, as amended by PL 1989, c. 878, Pt.
44 G, §6, is further amended to read:

46 **§3217. Additional violations**

48 Any user, or any agent or employee of any user, who shall
50 consume consumes any fuel in a registered motor vehicle within
52 the State, when that user is not the holder of an uncanceled
license as required by this chapter, or when that user has failed
to file any report or pay tax, ~~penalty or interest~~ as required by
this chapter ~~and chapter 7,~~ or when that user has refused or
neglected to pay interest or penalties arising from the
nonpayment of taxes required by this chapter commits a Class E
crime and is subject to a fine of not less than \$250, which may
not be reduced. Each day or part thereof during which any person
shall ~~consume~~ consumes any fuel in a registered motor vehicle
within the State, when that user is not the holder of an
uncanceled license as required by this chapter, or when that user
has failed to file any report or pay tax, ~~interest or penalty~~ as
required by this chapter ~~and chapter 7,~~ shall constitute or when

2 that user has refused or neglected to pay interest or penalties
4 arising from the nonpayment of taxes required by this chapter
6 constitutes a separate violation within the meaning of this
8 section. Any fines collected pursuant to this section must be
10 credited to the Highway Fund.

12 **Sec. D-9. PL 1989, c. 921, Pt. E, §2** is amended by adding at the
14 end a new sentence to read:

16 Funds expended pursuant to a financing arrangement may include
18 the cost of equipment.

20 **Sec. D-10. PL 1991, c. 9, Pt. E, §40** is amended to read:

22 **Sec. E-40. Repayment to Highway Fund.** Funds advanced from
24 the Maine Turnpike Authority under this Part, as an early payment
26 of the Maine Turnpike Authority's fiscal year 1991-92 Highway
28 Fund obligation, must be repaid returned to the Highway Fund in
30 the amount of \$5,000,000 on August 1, 1991 and in the amount of
32 \$10,000,000 on July 1, 1992 through increased gas taxes in the
34 amount of \$8,700,000 in fiscal year 1991-92 and \$6,300,000 in
36 fiscal year 1992-93.

38 **Sec. D-11. Funding for Bureau of State Police.** Notwithstanding
40 Public Law 1987, chapter 793, Part B, section 4, for fiscal years
42 1991-92 and 1992-93 only, funding for the Department of Public
44 Safety, Bureau of State Police must be approximately equal to the
46 following:

	1991-92	1992-93
32 Highway Fund	64%	78%
34 General Fund	36%	22%

36 State Police funding will return to a 50% General Fund
38 appropriation and a 50% Highway Fund allocation for fiscal year
40 1993-94 and thereafter.

42 **Sec. D-12. Repeal.** Section 2 of this Part is repealed July
44 1, 1993.

46 **Sec. D-13. Effective date.** Section 3 of this Part takes effect
48 July 1, 1993.'

Further amend the bill by inserting before the statement of
fact the following:

FISCAL NOTE

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	1991-92	1992-93
APPROPRIATIONS/ALLOCATIONS		
Highway Fund		
A	\$205,541,317	\$211,085,339
B-1	(\$8,451,339)	(\$13,892,881)
B-2	\$27,101	\$25,569
C-1	\$2,566,201	\$11,726,622
C-2	(\$699,106)	\$419,525
	<u>\$198,984,174</u>	<u>\$209,364,174</u>

REVENUES

Highway Fund	\$10,820,000	\$12,180,000
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This bill allocates \$198,984,174 in fiscal year 1991-92 and \$209,364,174 in fiscal year 1992-93 from the Highway Fund. Funds other than the Highway Fund appropriated or allocated in this bill are provided for informational purposes only.

The excise tax on gasoline is increased by 2¢ per gallon, generating additional Highway Fund revenue for \$10,820,000 in fiscal year 1991-92 and \$12,180,000 in fiscal year 1992-93. This increase is repealed on July 1, 1993.

The additional revenue derived from the tax must be used to repay an advance payment from the Highway Fund provided pursuant to Public Law 1991, chapter 9. This repayment will provide \$8,700,000 in fiscal year 1991-92 and \$6,300,000 in fiscal year 1992-93 to the Highway Fund with the remaining balance of \$8,000,000 allocated to the State Police in fiscal years 1991-92 and 1992-93.

This bill also establishes a Class E crime. The additional work load and administrative costs associated with a minimal number of new cases filed in District Court as a result of the violation will be absorbed within the budgeted resources of the Judicial Department. There will be an increase of revenue to the Highway Fund from the collection of additional penalties.

2 Sentences imposed for a Class E offense must be served in a
county jail facility. The projected cost to a county for each
4 person sentenced under the new Class E crime is approximately
\$3,820 and is based upon an average length of stay of 67 days.'

6
8 **STATEMENT OF FACT**

10 This amendment is the minority report of the Joint Standing
Committee on Transportation. The amendment does the following.

12 Part A establishes the Highway Fund current services budget.

14 Part B of the amendment:

16 1. Makes deallocations from the Highway Fund to support
reduction proposals and adjustments; and

18 2. Makes allocations from the Highway Fund for approved
20 reclassifications and range changes.

22 Part C of the amendment:

24 1. Allocates funds for the 2¢ per gallon increase in the
gas tax;

26 2. Makes adjusting allocations to the Secretary of State
28 and the Department of Transportation;

30 3. Allocates funds for the Scarborough Interchange project;
and

32 4. Makes adjusting allocations due to the over budgeting of
34 health benefits and adjustments to the payroll.

36 Part D of the amendment:

38 1. Increases the fee for the trip permit granted by the
Secretary of State in lieu of special fuel tax licensing and
40 reporting from \$5 to \$50. It also reduces the term of the permit
from 5 to 3 days;

42 2. Increases the excise tax on gasoline by 2¢ per gallon
44 and sunsets on July 1, 1993;

46 3. Makes the 21st day of the month the report and payment
48 deadline for the fuel transaction report;

COMMITTEE AMENDMENT "C" to H.P. 652, L.D. 926

- 2 4. Provides that misuse of tax-exempt home heating fuel as
a motor fuel is a Class E crime subject to a minimum fine of
\$250, which may not be reduced;
- 4
- 6 5. Establishes a minimum fine of \$250 for failure to file a
special fuel tax license application, for making fraudulent
statements in connection with that license, for failure to pay
8 the special fuel tax or for failure to pay interest and penalties
associated with nonpayment of the tax;
- 10
- 12 6. Provides clarifying language for the lease-purchase
financing arrangement of the Division of Motor Vehicles' building;
- 14
- 16 7. Provides language requiring that the repayment of the
Highway Fund must occur through increased gas taxes in the amount
of \$8,700,000 in fiscal year 1991-92 and \$6,300,000 in fiscal
year 1992-93; and
- 18
- 20 8. Establishes the funding ratio for the Bureau of State
Police.

Reported by the Minority of the Committee on Transportation
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