

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

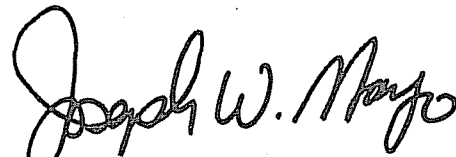
No. 307

H.P. 239

House of Representatives, February 4, 1993

An Act Regarding Diesel Truck Registration.

Reference to the Committee on Transportation suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative AULT of Wayne.
Cosponsored by Senator GOULD of Waldo and
Representatives: BAILEY of Township 27, BAILEY of Farmington, HUSSEY of Milo,
NORTON of Winthrop, PLOURDE of Biddeford, RICKER of Lewiston.

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

2 Sec. 1. 29 MRSA §246-A, as corrected by RR 1991, c. 2, §104,
4 is repealed and the following enacted in its place:

6 §246-A. Fuel use identification stamps and decals

8 A person operating on a public way a vehicle subject to
10 Title 36, chapter 457, 459 or 463-A shall comply with this
section.

12 1. Fuel use identification stamps for vehicles registered in
14 this State. A person registering a vehicle using fuel other than
16 gasoline must pay, at the time of registration and in addition to
other registration fees required by this chapter, a fuel use fee
of \$5 if that vehicle:

18 A. Is registered for a gross vehicle weight in excess of
20 26,000 pounds; or

22 B. Is designed to carry 20 or more passengers.

24 The certificate of registration issued upon payment of all fees
26 must bear an official stamp authorized by the Secretary of
State. The fuel use identification stamp expires with the
expiration of the registration.

28 2. Fuel use identification decals for vehicles not
30 registered in this State. Notwithstanding any other provision of
32 law, a person owning, operating or causing operation of a vehicle
34 on the highways of this State, subject to Title 36, chapter 457,
36 459 or 463-A, shall apply to the Secretary of State for a fuel
use identification decal for each vehicle covered by those
reports or licensing requirements, except for a vehicle
registered in this State and receiving a fuel use identification
stamp in accordance with subsection 1. The decal fee for each
vehicle is \$5. On and after October 1st, the fee is \$2.50.

40 3. Interstate fleets. Interstate bus and one-way rental
42 vehicle operators shall obtain a license on the same prorated
basis as is used to determine fuel used and vehicles registered
within the State.

44 A. The number of buses that the state mileage factor
46 represents of the entire fleet mileage is required to
48 display the fuel use identification decal or a certified
statement issued by the Secretary of State that the
appropriate fee has been paid.

2 B. The number of one-way rental vehicles that this
4 registration factor represents of the entire one-way rental
 fleet is required to display the fuel use identification
 decal.

6 4. Issuance; display; expiration. The Secretary of State
8 shall issue an identification decal and specify the location on
 the exterior of the vehicle to which the decal must be affixed
 permanently. The decal must be visible and legible.

10 A. A fuel use identification decal expires on December 31st.

12 B. A cab card, issued by the Secretary of State, must be
14 carried in the vehicle at all times.

16 C. A person transferring ownership of a vehicle bearing a
18 valid fuel use identification decal shall disfigure that
 decal.

20 D. A person acquiring a vehicle with an unexpired fuel use
22 identification decal may not operate that vehicle without a
 valid trip permit or a license issued to that person.

24 5. Trip permits. In lieu of fuel tax licensing and
26 reporting, the Secretary of State may issue a trip permit that
 authorizes for a period not to exceed 5 consecutive days a
 specific vehicle to be operated without a fuel use identification
28 decal or stamp. The permit must be carried in the vehicle at all
 times. The fee for a permit is \$50.

30 6. Exceptions. A person is not required to possess a fuel
32 use identification stamp, decal or certificate for operation of
 the following:

34 A. A vehicle owned and operated by government agencies;

36 B. A vehicle bearing dealer registration plates;

38 C. A recreational vehicle;

40 D. An authorized emergency vehicle registered in another
42 jurisdiction and operating in response to a declared
 emergency; or

44 E. A farm vehicle or farm truck subject to limited
46 inspection under section 2506, subsection 5.

48

2 7. Enforcement. A state police officer or any member of
4 the Department of Public Safety designated by the Commissioner of
6 Public Safety may enforce this section.

8 A person in violation of the requirements for reporting fuel use
10 taxes under Title 36 may be required to comply fully with those
12 requirements before being allowed to proceed.

14 8. Violation. A person commits a Class D crime if that
16 person displays or causes or permits to be displayed a false
18 decal or permit or a decal or permit issued to another person, or
20 alters in any way a fuel use identification stamp or the
22 certificate of registration upon which the stamp is affixed.

24 An owner or operator stopped for violating this section and
26 against whom enforcement action has been taken does not commit a
28 subsequent violation of this section involving the same vehicle
30 until after the close of business on the next business day
32 following the date of the violation.

34 Notwithstanding Title 17-A, a person convicted of violating this
36 section is subject to a forfeiture of at least \$250, which may
38 not be suspended.

40 9. Suspension. On certification by the State Tax Assessor
42 to the Secretary of State that a person is in violation of Title
44 36, chapter 457, 459 or 463-A, the Secretary of State shall
46 suspend all fuel use identification decals and stamps issued to
48 that person. The Secretary of State shall promptly notify the
Department of Public Safety of a suspension, revocation or
reinstatement.

50 A person who has had decals revoked may not operate a vehicle
requiring a decal or stamp until the State Tax Assessor certifies
to the Secretary of State that the person is in compliance. A
person must pay a fee of \$25 to the Secretary of State in order
to have the required decals and stamps returned and the right to
operate reinstated.

10. Cooperation. The State Tax Assessor, the Department of
Public Safety and the Secretary of State shall cooperate to issue
stamps, decals, licenses and permits, to enforce this section and
to ensure that timely information is readily available to all
enforcement personnel of the status of those in noncompliance
with the fuel use tax laws, intrastate and interstate for-hire
operating authority permit requirements and motor vehicle
registration laws.

11. Funds. All fees, fines and forfeitures accrue to the
Highway Fund.

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STATEMENT OF FACT

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6 This bill provides for the Secretary of State to replace the
fuel use identification decal with a fuel use identification
stamp for vehicles registered in the State. The stamp must be
8 affixed to the vehicle registration and expires with the
registration. The decal system remains in effect for vehicles
10 registered in another state.