

MAINE STATE LEGISLATURE

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L.D. 814

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DATE: 6/5/95

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INLAND FISHERIES AND WILDLIFE

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 604, L.D. 814, Bill, "An Act to Clarify the Registration of Snowmobiles by Nonresidents"

Amend the bill by striking out everything after the title and before the statement of fact and inserting in its place the following:

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

Whereas, this legislation changes the fees for certain snowmobile registrations; and

Whereas, annual snowmobile registrations run from July 1st to June 30th; 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:

Sec. 1. 12 MRSA §7824, sub-§1, as enacted by PL 1979, c. 420, §1, is amended to read:

1 of 8

1. ~~Application and issuance.~~ The commissioner, ~~or an agent designated by him,~~ or the commissioner's designee may register and assign a registration number to all snowmobiles upon application and payment of an annual a registration fee by the owner. ~~A registration shall be valid for one year commencing July 1st of each year.~~

8 Sec. 2. 12 MRSA §7824, sub-§1-B, ¶B, as repealed and replaced by PL 1989, c. 493, §56, is amended to read:

10 B. For the purpose of issuing snowmobile registrations, agents other than municipal agents shall be are appointed or reappointed as follows.

14 (1) The commissioner shall may designate as an agent, for the purpose of issuing snowmobile registrations, any person who is licensed as a snowmobile dealer in accordance with section 7825, submits a complete application, is credit worthy and has not violated any provision of this subchapter. The commissioner may designate as an agent for the purpose of selling nonresident snowmobile registrations any business that submits a complete application, is determined by the commissioner to be credit worthy and has not violated any provision of this subchapter.

26 (2) A business, the agency of which is revoked for a violation of this subchapter, may reapply for an agency for the 2nd year following the last year it held an agency.

32 Sec. 3. 12 MRSA §7824, sub-§2, as amended by PL 1991, c. 477, §1, is further amended to read:

34 2. Fee. The annual snowmobile registration fee is \$20, as follows:

38 A. For residents, \$20. The registration for a snowmobile owned by a resident is valid for one year, commencing on July 1st of each year; and

42 B. For nonresidents:

44 (1) Thirty-five dollars for a 3-consecutive day registration. A person may purchase more than one 3-day registration in any season;

48 (2) Fifty dollars for a 10-consecutive day registration. A person may purchase more than one 10-day registration in any season; and

(3) Sixty dollars for a seasonal registration.

The registration for a snowmobile owned by a nonresident must specify the dates for which the registration is valid.

Sec. 4. 12 MRSA §7824, sub-§3, ¶B, as amended by PL 1991, c. 477, §3, is further amended to read:

B. The registration fee for nonresidents is credited as follows:

(1) ~~\$10.75~~ Fifteen dollars of each fee is credited to the General Fund as undedicated revenue ~~and~~.

(2) ~~\$9.25 of each fee~~ The remainder is credited to the Snowmobile Trail Fund of the Department of Conservation, Bureau of Parks and Recreation.

Sec. 5. 12 MRSA §7824, sub-§6, as enacted by PL 1979, c. 420, §1, is amended to read:

6. Duplicate registration certificate. The holder of any resident or nonresident seasonal registration certificate issued under this section may obtain a duplicate from the commissioner upon application and payment of a fee of \$1.

Sec. 6. 12 MRSA §7824, sub-§7, as amended by PL 1979, c. 543, §77, is further amended to read:

7. Numbers permanent. All numbers once awarded under this section to a resident-owned snowmobile shall remain with that snowmobile until the snowmobile is destroyed, abandoned or permanently removed from this State, except that numbers that have been inactive for at least 7 years may be reissued by the division.

Sec. 7. 12 MRSA §7824, sub-§8, ¶A, as amended by PL 1991, c. 477, §5, is further amended to read:

A. ~~Whoever~~ A person who transfers the ownership or permanently discontinues the use of a ~~registered~~ snowmobile having a resident registration or a nonresident seasonal registration and applies for registration of another snowmobile in the same registration year is entitled to a certificate of registration upon payment of a transfer fee of \$2 and is not required to pay the regular registration fee ~~of~~ \$20.

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2 **Sec. 8. 12 MRSA §7824, sub-§9**, as repealed and replaced by PL 1993, c. 574, §26, is amended to read:

4 **9. Reciprocity.** Except as specifically provided in this subsection, and notwithstanding any other provision of law, a snowmobile may be possessed or operated by any person in this State without being registered in this State as long as:

8 A. The snowmobile is properly registered in the name of a nonresident owner of the snowmobile; and

12 B. The nonresident owner of the snowmobile is a resident of a state, province, country or district with which this State has reciprocity.

16 For purposes of this subsection, "state, province, country or district with which this State has reciprocity" means a state, province, country or district that offers similar privileges to residents of this State. A state, province, country or district does not offer similar privileges if Maine residents holding a valid Maine snowmobile registration are charged a fee for access to the trail system in that state, province, country or district, or if, as determined by the commissioner, privileges and opportunities offered to snowmobile users in that state, province, country or district are not otherwise comparable to those offered in this State.

28 ~~If a snowmobile is owned by a nonresident, but is primarily operated by a Maine resident, it must be registered in this State pursuant to this section. A snowmobile owned by a nonresident may not be issued a resident registration.~~ Nothing in this subsection authorizes the operation of any snowmobile in any manner contrary to this subchapter.

34 **Sec. 9. 12 MRSA §7824-B**, as enacted by PL 1991, c. 586, §4, is amended to read:

38 **§7824-B. Original registration defined**

40 "Original registration" means any registration other than a renewal of registration by the same owner in sections 7824-A to 7824-E, 7824-B, 7824-E and 7824-F.

44 **Sec. 10. 12 MRSA §§7824-C and 7824-D**, as enacted by PL 1991, c. 586, §4, are repealed.

48 **Sec. 11. 12 MRSA §7824-E**, as enacted by PL 1991, c. 586, §4, is amended to read:

50 **§7824-E. Collection by State Tax Assessor**

1008

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2 The provisions of this section and sections 7824-A to
4 7824-D, 7824-B and 7824-F must be construed as cumulative of
6 other methods prescribed in Title 36 for the collection of the
8 sales or use tax. Nothing in these sections may be construed as
precluding the State Tax Assessor from collecting the tax due in
respect to any snowmobile in accordance with such other methods
as are prescribed in Title 36 for the collection of the sales or
use tax.

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Sec. 12. 12 MRSA §7824-F is enacted to read:

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§7824-F. Payment of sales or use tax prior to registration

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Prior to registering a snowmobile, an agent of the
commissioner shall collect sales or use taxes due. Sales or use
taxes are due unless:

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1. Nonresident. The person registering the snowmobile is
not a resident of this State. Nonresidents are exempt from sales
or use taxes on snowmobiles under Title 36, section 1760,
subsection 25-B;

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2. Renewal. The registration is a renewal registration by
the same owner;

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3. Collected by the dealer. The applicant possesses a
dealer's certificate showing that the sales tax was collected by
the dealer. The State Tax Assessor shall prescribe the form of a
dealer's certificate; or

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4. Exempt. The snowmobile is otherwise exempt from sales
or use taxes under the provisions of Title 36, section 1760.

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Sec. 13. 12 MRSA §7825, sub-§3, ¶A, as amended by PL 1991, c.
477, §7, is further amended to read:

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A. Each registered dealer may receive dealer's number
plates ~~for a \$16 annual fee for each plate.~~ The annual fee
for a dealer's number plate is:

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(1) For a resident dealer's plate, \$16; and

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(2) For a nonresident dealer's plate, \$60.

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Sec. 14. 12 MRSA §7827, sub-§§24 and 25 are enacted to read:

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24. Unlawful issuance of snowmobile registration. An agent
is guilty of unlawfully issuing a snowmobile registration if that

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COMMITTEE AMENDMENT

agent issues a resident snowmobile registration to a nonresident
or a nonresident snowmobile registration to a resident.

25. Fraudulent acquisition of a snowmobile registration. A person is guilty of fraudulently obtaining a snowmobile registration if that person obtains that registration through fraud, misstatement or misrepresentation.

Sec. 15. 36 MRSA §1760, sub-§25-A, as enacted by PL 1991, c. 846, §22, is amended to read:

25-A. All-terrain vehicles. All-terrain vehicles as defined in Title 12, section 7851 and ~~snowmobiles as defined in Title 12, section 7821~~ purchased by a nonresident and intended to be driven or transported outside the State immediately upon delivery by the seller. The purchaser is exempt from use tax, unless the ~~snowmobile or~~ all-terrain vehicle is present in the State for more than 30 days during the 12-month period following the date of purchase or is registered in the State without being registered in another state within 12 months of the date of purchase;

Sec. 16. 36 MRSA §1760, sub-§25-B is enacted to read:

25-B. Snowmobiles. A snowmobile, as that term is defined in Title 12, section 7821, subsection 5, registered in this State to a person who is not a resident of this State;

Sec. 17. 36 MRSA §1760, sub-§45, as amended by PL 1995, c. 65, Pt. A, §142 and affected by Pt. A, §153 and Pt. C, §15, is further amended to read:

45. Certain property purchased outside the State. Sales of property purchased and used by the present owner outside the State:

A. If the property is an automobile, as defined in Title 29-A, section 101, subsection 7, and if the owner was, at the time of purchase, a resident of the other state and either employed or registered to vote there;

A-1. If the property is a watercraft, ~~snowmobile~~ or all-terrain vehicle that is registered outside the State by an owner who at the time of purchase was a resident of another state and the watercraft, ~~snowmobile~~ or all-terrain vehicle is present in the State not more than 30 days during the 12 months following its purchase; or

B. For more than 12 months in all other cases.

For purposes of this subsection, "use" does not include storage, but means actual utilization of the property for a purpose consistent with its design. Property, other than automobiles, watercraft, ~~and snowmobiles~~ and all-terrain vehicles, that is required to be registered for use in this State does not qualify for exemption unless it was registered by its present owner outside this State more than 12 months prior to its registration in this State.

Sec. 18. 36 MRSA §1952-A, as amended by PL 1995, c. 65, Pt. A, §143 and affected by Pt. A, §153 and Pt. C, §15, is further amended to read:

§1952-A. Payment of tax on vehicles and watercraft

The tax imposed by chapters 211 to 225 on the sale or use of any vehicle or watercraft must, except where the dealer thereof of the vehicle or watercraft has collected such the tax in full, be paid by the purchaser or other person seeking registration of the vehicle or watercraft at the time and place of registration of such the vehicle or watercraft. In the case of vehicles except snowmobiles and all-terrain vehicles, the tax must be collected by the Secretary of State and transmitted to the Treasurer of State as provided by Title 29-A, section 409. In the case of watercraft, snowmobiles and all-terrain vehicles, the tax must be collected by the Commissioner of Inland Fisheries and Wildlife and transmitted to the Treasurer of State as provided by Title 12, sections 7793-A to 7793-E, 7824-A to 7824-E or 7854-A to 7854-E, 7824-B, 7824-E and 7824-F.

Sec. 19. 36 MRSA §1955-C, as amended by PL 1995, c. 65, Pt. A, §146 and affected by Pt. A, §153 and Pt. C, §15, is further amended to read:

§1955-C. Assessment for vehicles

Certificates forwarded to the State Tax Assessor under Title 29-A, section 409, subsection 4 or Title 12, section 7793-C, 7824-C ~~7824-F~~ or 7854-C, must be treated as returns filed under this Title for purposes of section 141.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect July 1, 1995.'

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

·FISCAL NOTE

COMMITTEE AMENDMENT "A" to H.P. 604, L.D. 814

2 Establishing new nonresident snowmobile registration fees
3 for owners and dealers will increase annual General Fund
4 revenue. Depending on the types of registrations actually sold,
5 the Department of Inland Fisheries and Wildlife may collect as
6 much as \$123,495 in additional annual fees for deposit into the
7 General Fund. The amounts can not be determined at this time.

8 The increase in General Fund revenues collected by the
9 Department of Inland Fisheries and Wildlife may require
10 additional General Fund appropriations to the department pursuant
11 to the Constitution of Maine. The amounts will depend on the
12 total General Fund appropriations to the department and the
13 revenue generated by the department, which will be determined by
14 final legislative actions on the current services budget and
15 other legislation during the First Regular Session of the 117th
16 Legislature.

17 Establishing new nonresident snowmobile registration fees
18 for owners and dealers will also increase dedicated revenue
19 collected for the Snowmobile Trail Fund within the Department of
20 Conservation. Depending on the types of registrations actually
21 sold, the Department of Conservation could receive as much as
22 \$205,825 in additional annual fees for deposit into the
23 Snowmobile Trail Fund. The amounts can not be determined at this
24 time.'

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28 **STATEMENT OF FACT**

29 This amendment replaces the bill and adds an emergency
30 preamble and an emergency clause.

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32 Beginning on July 1, 1995, this amendment increases the fee
33 for nonresident snowmobile registration and exempts nonresidents
34 from sales and use taxes on snowmobiles. Requirements that
35 snowmobile registration agents collect and send forms proving
36 exemption from sales and use taxes to the Commissioner of Inland
37 Fisheries and Wildlife are repealed. Increased revenues from the
38 higher nonresident registration fee are dedicated to the
39 Snowmobile Trail Fund within the Department of Conservation.

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41 This amendment creates a 3-day nonresident snowmobile
42 registration for \$35, a 10-day nonresident snowmobile
43 registration for \$50 and a seasonal nonresident snowmobile
44 registration for \$60. The amendment makes it easier for
45 nonresidents to register snowmobiles by requiring that the
46 commissioner use the same criteria to select nonresident
47 snowmobile registration agents as are used to select nonresident
48 fishing license agents.

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2 The amendment also increases that portion of the nonresident
snowmobile registration fee that is credited to the General Fund
4 from \$10.75 per registration to \$15 per registration.

The amendment also adds a fiscal note to the bill.

COMMITTEE AMENDMENT