

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
SENATE  
119TH LEGISLATURE  
SECOND REGULAR SESSION

SENATE AMENDMENT "A" to H.P. 1901, L.D. 2645, "Resolve, to Create the Commission to Study Equity in the Distribution of Gas Tax Revenues Attributable to Snowmobiles, All-terrain Vehicles and Watercraft"

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

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

**Whereas,** the percent of gasoline taxes collected in the State that is paid on gasoline consumed by snowmobiles, all-terrain vehicles and motorboats represents a share of gas tax revenues that should be allocated equitably for programs supporting the enforcement and enhancement of snowmobile, all-terrain vehicle and watercraft use in the State; and

**Whereas,** the percent for each of those user groups is not presently known; and

**Whereas,** the overall resource needs to enforce current snowmobile, all-terrain vehicle and watercraft laws and to effectively plan for and provide the services required by current law are not presently known; and

**Whereas,** collecting and analyzing the information needed to determine the equitable distribution of gas tax revenues generated by snowmobiles, all-terrain vehicles and motorboats and to determine the overall resource needs to enforce and provide services required by law requires that this study begin as soon as possible after adjournment; and

**SENATE AMENDMENT**

Whereas, the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; 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

**Sec. 1. Commission established. Resolved:** That the Commission to Study Equity in the Distribution of Gas Tax Revenues Attributable to Snowmobiles, All-terrain Vehicles and Watercraft, referred to in this resolve as the "commission," is established; and be it further

**Sec. 2. Commission membership. Resolved:** That the commission consists of the following 15 members:

1. Five members of the Senate appointed by the President of the Senate. When making the appointments, the President of the Senate shall give preference to members from the Joint Standing Committee on Inland Fisheries and Wildlife, the Joint Standing Committee on Marine Resources, the Joint Standing Committee on Agriculture, Conservation and Forestry, the Joint Standing Committee on Transportation and the Joint Standing Committee on Taxation;

2. Five members of the House of Representatives appointed by the Speaker of the House. When making the appointments, the Speaker of the House shall give preference to members from the Joint Standing Committee on Inland Fisheries and Wildlife, the Joint Standing Committee on Marine Resources, the Joint Standing Committee on Agriculture, Conservation and Forestry, the Joint Standing Committee on Transportation and the Joint Standing Committee on Taxation; and

3. The following ex officio voting members:

A. The Commissioner of Conservation or the commissioner's designee;

B. The Commissioner of Marine Resources or the commissioner's designee;

C. The Commissioner of Inland Fisheries and Wildlife or the commissioner's designee;

D. The Commissioner of Transportation or the commissioner's designee; and

E. The Director of the Bureau of Revenue Services within the Department of Administrative and Financial Services or the director's designee; and be it further

**Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate chair of the commission and the first-named House member is the House chair of the commission; and be it further

**Sec. 4. Appointments; meetings. Resolved:** That all appointments must be made no later than 30 days after adjournment of the Second Regular Session of the 119th Legislature. The appointing authorities shall notify the Executive Director of the Legislative Council once the appointments have been made. The Executive Director of the Legislative Council shall notify the chairs when all appointments have been made. The chairs of the commission shall call and convene the first meeting of the commission within 30 days of being notified that all appointments have been made; and be it further

**Sec. 5. Duties. Resolved:** That the commission shall:

1. Undertake a comprehensive effort to collect and analyze all existing data regarding the amount and type of fuel purchased for and consumed within this State by snowmobiles, all-terrain vehicles and motorboats and of fuel purchased in this State for those vehicles and consumed outside the jurisdiction of this State. The commission shall identify areas where such information is either incomplete or out of date or has not yet been collected and shall undertake such research as is necessary and within its resources to collect and update that information;

2. Based upon an analysis of the data collected under subsection 1, determine the percentage of gasoline taxes collected under the Maine Revised Statutes, Title 36, section 2903 that is paid on gasoline consumed by snowmobiles, all-terrain vehicles and motorboats;

3. Assess the needs within the Department of Inland Fisheries and Wildlife, the Department of Conservation and the Department of Marine Resources for enforcement of existing snowmobile, all-terrain vehicle and watercraft laws; assess the capital needs for equipment or facilities for maintenance of trails or access to land or water; and determine how existing revenue allocated for snowmobile, all-terrain vehicle and watercraft programs is being used by those departments;

4. Seek input from the public; from organizations representing snowmobile, all-terrain vehicle and watercraft users, including the Maine Snowmobile Association, groups representing all-terrain vehicle users, the University of Maine Agricultural Research Station and the Maine Marine Trade Association; and from any other interested individuals or organizations. In seeking that input, the commission shall, within its budgeted resources, hold its meetings in geographically diverse locations throughout the State;

5. Review a strategic boating plan developed by the Department of Inland Fisheries and Wildlife, the Department of Conservation and the Department of Marine Resources. Those departments jointly shall prepare and submit to the commission a strategic boating plan that includes a plan for meeting the future freshwater and saltwater access and enforcement needs of the State. Development of that strategic boating plan must include a review of the existing distribution of and limits on funds allocated under the Maine Revised Statutes, Title 36, section 2903-A, a budget detailing the costs to each department to meet the goals of the plan and recommendations for changes to the law that are needed to implement the plan. The commission shall review the strategic boating plan and those recommendations and may include in its report any legislation it considers necessary to implement the plan; and

6. Collect other data and make other recommendations the commission considers appropriate on the issue of off-road fuel consumption; and be it further

**Sec. 6. Report. Resolved:** That the commission shall submit its report, together with any recommended implementing legislation, to the First Regular Session of the 120th Legislature no later than December 6, 2000. If the commission requires an extension of time to make its report, it may apply to the Legislative Council, which may grant the extension; and be it further

**Sec. 7. Staff assistance. Resolved:** That, upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide staffing assistance to the commission. The Office of Fiscal and Program Review and the Department of Transportation, the Department of Marine Resources, the Department of Inland Fisheries and Wildlife, the Department of Conservation and the Department of Administrative and Financial Services, Bureau of Revenue Services shall also provide assistance as requested by the commission; and be it further

**Sec. 8. Compensation. Resolved:** That the members of the commission who are Legislators are entitled to receive the

legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the commission. Other members of the commission who are not compensated by their employers or other entities that they represent are entitled to receive reimbursement for travel and other necessary expenses related to their attendance at authorized meetings; and be it further

**Sec. 9. Budget. Resolved:** That the chairs of the commission, with assistance from the commission staff, shall administer the commission's budget. The commission may not incur expenses exceeding its approved budget. Upon request from the commission, the Executive Director of the Legislative Council shall promptly provide the commission and its staff with a status report on the commission's budget, expenditures incurred and remaining available funds; and be it further

**Sec. 10. Appropriation. Resolved:** That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

2000-01

**LEGISLATURE**

**Commission to Study Equity in the  
Distribution of Gas Tax Revenues  
Attributable to Snowmobiles,  
All-terrain Vehicles and Watercraft**

Personal Services	\$4,400
All Other	5,700

Provides funds for the per diem and expenses of legislative members of the Commission to Study Equity in the Distribution of Gas Tax Revenues Attributable to Snowmobiles, All-terrain Vehicles and Watercraft, for meeting notices and to print the required report.

**LEGISLATURE  
TOTAL**

\$10,100

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**Emergency clause.** In view of the emergency cited in the preamble, this resolve takes effect when approved.'

#### SUMMARY

This amendment strikes the bill. The amendment clarifies the appointment of members to the study commission.

SPONSORED BY:

(Senator MICHAUD)

COUNTY: Penobscot

# SENATE AMENDMENT