

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2000

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Legislative Document

No. 2645

H.P. 1901

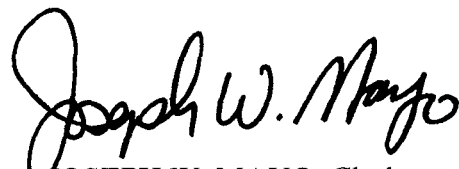
House of Representatives, March 22, 2000

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

(EMERGENCY)

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Reported by Representative DUNLAP for the Joint Standing Committee on Inland Fisheries and Wildlife pursuant to Joint Order H.P. 1510.

  
JOSEPH W. MAYO, Clerk

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

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

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

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

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

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

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

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

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

46           1. Five members of the Senate appointed by the President of  
48 the Senate: one member who serves on the Joint Standing  
Committee on Inland Fisheries and Wildlife; one member who serves  
50 on the Joint Standing Committee on Marine Resources; one member

2 who serves on the Joint Standing Committee on Agriculture,  
3 Conservation and Forestry; one member who serves on the Joint  
4 Standing Committee on Transportation; and one member who serves  
5 on the Joint Standing Committee on Taxation;

6 2. Five members of the House of Representatives appointed  
7 by the Speaker of the House: one member who serves on the Joint  
8 Standing Committee on Inland Fisheries and Wildlife; one member  
9 who serves on the Joint Standing Committee on Marine Resources;  
10 one member who serves on the Joint Standing Committee on  
11 Agriculture, Conservation and Forestry; one member who serves on  
12 the Joint Standing Committee on Transportation; and one member  
13 who serves on the Joint Standing Committee on Taxation; and

14 3. The following ex officio voting members:

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

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

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

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

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

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

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

39 **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

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

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

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

24           **Sec. 8. Compensation. Resolved:** That the members of the  
commission who are Legislators are entitled to receive the  
26 legislative per diem, as defined in the Maine Revised Statutes,  
Title 3, section 2, and reimbursement for travel and other  
28 necessary expenses related to their attendance at authorized  
meetings of the commission. Other members of the commission who  
30 are not compensated by their employers or other entities that  
they represent are entitled to receive reimbursement for travel  
32 and other necessary expenses related to their attendance at  
authorized meetings; and be it further

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

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

48 **2000-01**

50 **LEGISLATURE**

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

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

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

22       **LEGISLATURE**   \_\_\_\_\_

24       **TOTAL**   \$10,100

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

28   **FISCAL NOTE**

30   **2000-01**

32       **APPROPRIATIONS/ALLOCATIONS**

34               General Fund   \$10,100

36

38               This resolve includes a General Fund appropriation of  
40               \$10,100 in fiscal year 2000-01 for the Legislature for the per  
42               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  
               notice costs and to print the required report.

44

46               The additional costs associated with providing staffing  
48               assistance to the commission during the interim between  
               legislative sessions can be absorbed by the Legislature utilizing  
               existing budgeted resources. If an extension of the reporting  
50               deadline is granted and the commission requires staffing  
               assistance during the legislative session, the Legislature may

2 require an additional General Fund appropriation to contract for  
staff services.

4 The Department of Conservation, the Department of Inland  
6 Fisheries and Wildlife and the Department of Marine Resources  
will incur some minor additional costs to participate as members  
8 of the commission, to prepare and submit the required strategic  
boating plan and to provide assistance to the commission if  
10 requested to do so. These costs can be absorbed within the  
departments' existing budgeted resources.

12 The additional costs associated with participating as  
members of the commission and providing assistance to the  
14 commission if requested to do so can be absorbed by the Bureau of  
Revenue Services and the Department of Transportation utilizing  
16 existing budgeted resources.

### 18 SUMMARY

20 This emergency resolve is a unanimous bill reported by the  
22 Joint Standing Committee on Inland Fisheries and Wildlife  
pursuant to a Joint Order.

24 The resolve creates the 15-member Commission to Study Equity  
26 in the Distribution of Gas Tax Revenues Attributable to  
Snowmobiles, All-terrain Vehicles and Watercraft. The duties of  
28 the commission are:

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

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

46 3. To assess the needs within the Department of Inland  
Fisheries and Wildlife, the Department of Conservation and the  
48 Department of Marine Resources for enforcement of existing  
snowmobile, all-terrain vehicle and watercraft laws; assess the  
50 capital needs for equipment or facilities for maintenance of



2 trails or access to land or water; and determine how existing  
revenues received for snowmobile, all-terrain vehicle and  
watercraft programs are used within those departments;

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

14 5. To review a strategic boating plan developed by the  
Department of Inland Fisheries and Wildlife, the Department of  
16 Conservation and the Department of Marine Resources. Those  
departments are required to jointly prepare and submit to the  
18 commission a strategic boating plan that includes a plan for  
meeting the future freshwater and saltwater access and  
20 enforcement needs of the State; and

22 6. To collect other data and make such other  
recommendations as the commission considers appropriate on the  
24 issue of off-road fuel consumption.

26 The resolve requires the commission to submit its report,  
along with any implementing legislation, to the First Regular  
28 Session of the 120th Legislature no later than November 1, 2000.  
The bill also includes an appropriation for the per diem and  
30 expenses of legislative members of the commission and other  
expenses of the commission, including expenses for meeting  
32 notices and printing of the required report.