

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2002

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Legislative Document

No. 2081

H.P. 1575

House of Representatives, January 18, 2002

**An Act to Implement the Unanimous and the Majority  
Recommendations of the Commission to Study Equity in the Distribution  
of Gas Tax Revenues Attributable to Snowmobiles, All-terrain Vehicles  
and Watercraft.**

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Reported by Representative CLARK for the Commission to Study Equity in the  
Distribution of Gas Tax Revenues Attributable to Snowmobiles, All-terrain Vehicles and  
Watercraft pursuant to Resolve 2001, chapter 68.

Reference to the Joint Standing Committee on Inland Fisheries and Wildlife suggested and  
printing ordered under Joint Rule 218.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

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

2  
4       **Sec. 1. 12 MRSA §1893, sub-§1, ¶¶A and B,** as enacted by PL 1997, c. 678, §13, are amended to read:

6           A. Within available funds, the snowmobile program shall  
8           develop and maintain snowmobile trails and provide  
10           educational and informational materials for the use of  
12           operators of snowmobiles. The bureau may charge a reasonable  
14           fee for such services and materials when the money credited  
16           to it under chapter 715, subchapter II is insufficient to  
18           satisfy the demand for those services and materials. All  
20           fees collected must be deposited in the bureau's Snowmobile  
22           Trail Fund. The bureau shall administer the Snowmobile  
24           Trail Fund and the snowmobile program's other activities  
26           must be conducted pursuant to section 7824, subsection 4.  
28           The Snowmobile Trail Fund receives funding as provided in  
30           chapter 715, subchapter II and Title 36, section 2903-B  
            2903-D, subsection 2.

32           B. The bureau shall administer the ATV Recreational  
34           Management Fund established under section 7854, subsection 4  
36           for the purposes given in that subsection and for the  
38           acquisition of land to be used for ATV trails. The bureau  
40           may adopt rules in accordance with Title 5, chapter 375,  
42           subchapter II for the issuance of grants-in-aid from the  
44           fund and to further define alpine tundra areas pursuant to  
46           section 7851, subsection 2-A. Additional funding for the  
48           ATV Recreational Management Fund is as provided in Title 36,  
50           section 2903-C 2903-D, subsection 3.

32       **Sec. 2. 12 MRSA §1894, last ¶,** as enacted by PL 1997, c. 678,  
34       §13, is repealed.

36       **Sec. 3. 12 MRSA §1896,** as enacted by PL 1997, c. 678, §13, is  
38       amended to read:

40       **§1896. Boating Facilities Fund**

42           There is created within the bureau the Boating Facilities  
44           Fund, referred to in this subchapter as the "fund." The fund, as  
46           funded under Title 36, section 2903-A 2903-D, subsection 1, must  
48           be available to the director in carrying out the duties of the  
50           bureau under this subchapter. This fund is a continuous carrying  
            account.

46       **Sec. 4. 12 MRSA §7020-A** is enacted to read:

48       **§7020-A. Joint effort to determine gasoline use by nonhighway**  
50       **recreational vehicles**

2           During calendar year 2004, and during every 3rd calendar  
4           year thereafter, the Commissioner of Inland Fisheries and  
6           Wildlife, the Commissioner of Conservation, the Commissioner of  
8           Marine Resources and the Commissioner of Transportation shall  
10           jointly undertake a survey or surveys to determine the amount of  
12           gasoline purchased or used by snowmobiles, all-terrain vehicles  
14           and motorboats in this State. The surveys must be conducted  
16           using a randomly selected sample from a known population and must  
18           use scientific and statistical methods capable of producing an  
20           estimate of the mean total quantity of gasoline used and mean  
22           total dollars of gasoline taxes paid by each user group. To the  
24           extent possible, those estimates must include gasoline purchased  
26           or used in this State by snowmobiles, all-terrain vehicles and  
28           motorboats not required to be registered in this State.

30           Not later than December 15, 2004, and not later than every  
32           3rd December 15th thereafter, those commissioners shall jointly  
34           report in writing on the results of those surveys to the State  
36           Controller and the joint standing committees of the Legislature  
38           having jurisdiction over transportation, inland fisheries and  
40           wildlife, conservation and marine resource matters. Each report  
42           must include, but is not limited to, the survey estimate of the  
44           mean total gallons of gasoline purchased or used in this State by  
46           each of those user groups and a specific recommendation for the  
48           percentage of total gasoline tax revenues to be distributed to  
50           the Department of Conservation, the Department of Inland  
Fisheries and Wildlife and the Department of Marine Resources for  
snowmobile, all-terrain vehicle and motorboat programs.

30           **Sec. 5. 12 MRSA §7034, sub-§12 is enacted to read:**

32           **12. Electronic storage of registration data.** The  
34           commissioner shall store and maintain all information required or  
36           included on registration forms for snowmobiles, watercraft and  
38           all-terrain vehicles, including the telephone number of the  
40           registrant, in an electronic database format that allows that  
42           information to be retrievable and used, among other lawful  
44           purposes determined appropriate by the commissioner, to  
46           facilitate survey procedures designed to estimate gasoline  
48           consumption by those vehicles.

44           **Sec. 6. 12 MRSA §7794-D is enacted to read:**

46           **§7794-D. Information on owners of unregistered motorboats**  
48           **operating on inland waters**

48           Beginning on January 1, 2003, the commissioner shall ensure  
50           that the name, address and telephone number of the owner of any  
motorboat that is not required to be registered in the State but

2 that operates on the inland waters of the State are collected at  
3 the time that person, or that person's agent, purchases a lake  
4 and river protection sticker. The commissioner shall store and  
5 maintain the information collected under this section in  
6 accordance with section 7034, subsection 12.

7 **Sec. 7. 36 MRSA §2903-A**, as amended by PL 1999, c. 127, Pt.  
8 A, §50, is repealed.

9 **Sec. 8. 36 MRSA §2903-B**, as amended by PL 1995, c. 502, Pt.  
10 E, §30, is repealed.

11 **Sec. 9. 36 MRSA §2903-C**, as enacted by PL 1995, c. 446, §2,  
12 is repealed.

13 **Sec. 10. 36 MRSA §§2903-D and 2903-E** are enacted to read:

14 **§2903-D. Distribution of gasoline taxes for nonhighway**  
15 **recreational vehicle programs**

16 This section establishes the percentage of gasoline taxes  
17 that are attributable to snowmobile, all-terrain vehicle and  
18 motorboat gasoline purchases and equitably distributes that  
19 percentage among the appropriate state agencies for the  
20 administration of programs and the enforcement of laws relating  
21 to the use of those recreational vehicles. For the purposes of  
22 this section, the term "total gasoline tax revenues" means the  
23 total excise tax on internal combustion engine fuel sold or used  
24 within the State, but not including internal combustion fuel sold  
25 for use in the propulsion of aircraft.

26 **1. Motorboats.** The Legislature finds that the percentage  
27 of gasoline taxes attributable to motorboats is not less than  
28 1.443% of total gasoline tax revenues collected in fiscal year  
29 2000-01 after subtracting all refunds for commercial motorboats.  
30 Based on that legislative finding, that percentage of total  
31 gasoline tax revenues is distributed among the following agencies  
32 in the following manner:

33 **A.** The Commissioner of Marine Resources receives 27.27% for  
34 research, development and propagation activities of the  
35 department. In expending these funds, it is the  
36 responsibility of the Commissioner of Marine Resources to  
37 select activities and projects that will be most beneficial  
38 to the commercial fisheries of the State as well as the  
39 development of sports fisheries activities in the State; and

40 **B.** The Boating Facilities Fund, established under Title 12,  
41 section 1896, within the Department of Conservation, Bureau  
42 of Parks and Lands, receives 72.73% of that amount.

2           2. Snowmobiles. The Legislature finds that the percentage  
4           of gasoline taxes attributable to snowmobiles is not less than  
6           0.749% of total gasoline tax revenues collected in fiscal year  
            2000-01. Based on that legislative finding, that percentage of  
            total gasoline tax revenues is distributed among the following  
            agencies in the following manner:

8  
10           A. The Commissioner of Inland Fisheries and Wildlife  
12           receives 14.93% of that amount, to be used by the  
            commissioner for the purposes set forth in Title 12, section  
            7824; and

14           B. The Snowmobile Trail Fund of the Department of  
16           Conservation, Bureau of Parks and Lands, established under  
            Title 12, section 7824, receives 85.07% of that amount.

18           3. All-terrain vehicles. The Legislature finds that the  
20           percentage of gasoline taxes attributable to all-terrain vehicles  
22           is not less than 0.173% of total gasoline tax revenues collected  
            in fiscal year 2000-01. Based on that legislative finding, that  
            percentage of total gasoline tax revenues is distributed among  
            the following agencies in the following manner:

24  
26           A. The Commissioner of Inland Fisheries and Wildlife  
28           receives 50% of that amount, to be used by the commissioner  
            for expenses associated with the enforcement of state laws  
            regulating the recreational use of all-terrain vehicles; and

30           B. The ATV Recreational Management Fund, established in  
32           Title 12, section 7854, subsection 4, paragraph B, receives  
            50% of that amount.

34           The State Tax Assessor shall certify to the State Controller by  
36           the 15th day of each month the amounts to be distributed and  
            credited under this section as of the close of the State  
            Controller's records for the previous month.

38  
40           §2903-E. Certification of gas tax distributions for nonhighway  
            recreational vehicle use by State Controller

42           Beginning in January 2005, and every 3rd January thereafter,  
44           the State Controller shall review the survey results reported  
46           pursuant to Title 12, section 7020-A and shall, based on those  
            survey results, certify to the State Tax Assessor the specific  
            percentages of total gasoline tax revenues attributable to  
            snowmobiles, motorboats and all-terrain vehicles.  
48           Notwithstanding section 2903-D, the percentages certified by the  
            State Controller under this section are the percentages of total  
50           gasoline tax revenues that are to be distributed to the

2 Department of Conservation, the Department of Inland Fisheries  
4 and Wildlife and the Department of Marine Resources for  
6 snowmobile, motorboat and all-terrain vehicle programs. The  
8 percentages certified by the State Controller apply beginning  
10 July 1st of the year in which the State Controller certifies  
12 those percentages and continue to apply until July 1st of the  
year in which the State Controller subsequently certifies new  
percentages based on updated survey results. The State Tax  
Assessor shall certify to the State Controller by the 15th day of  
each month the amounts to be credited under this section as of  
the close of the State Controller's records for the previous  
month.

14 **Sec. 11. Updates to Public Access to Maine Waters Strategic Plan.**

16 Beginning in 2005 and every 5 years thereafter, the Department of  
18 Conservation, the Department of Inland Fisheries and Wildlife and  
20 the Department of Marine Resources shall jointly prepare  
22 comprehensive written updates to the report titled "Public Access  
24 to Maine Waters Strategic Plan" that was originally prepared by  
26 those departments in 1995 and updated in 2000. Those reports  
28 must include an update to the boating access improvements  
30 completed since the prior report, a summary of the current  
32 funding and expenditure patterns for each of those departments on  
boating access matters, a summary of public access needs and  
funding, a summary of boating enforcement and education programs  
and needs and any actions proposed by those departments in those  
areas anticipated over the subsequent 5-year period. Those  
reports must be submitted jointly to the joint standing committee  
of the Legislature having jurisdiction over inland fisheries and  
wildlife matters and the joint standing committee of the  
Legislature having jurisdiction over marine resource matters  
beginning in January 2005, and every 5 years thereafter.

34 **Sec. 12. Snowmobile and all-terrain vehicles needs assessments.**

36 Beginning in 2005 and every 5 years thereafter, the Department of  
38 Conservation and the Department of Inland Fisheries and Wildlife  
40 shall jointly prepare an assessment of needs within the  
42 snowmobile and all-terrain vehicle programs, including a summary  
44 of the current funding and expenditure patterns for each of those  
46 departments on snowmobile and all-terrain vehicle matters, a  
summary of public access needs and funding, a summary of  
snowmobile and all-terrain vehicle enforcement and education  
programs and needs, an assessment of the capital needs for  
equipment or facilities for maintenance of trails or access to  
land or water and any actions proposed by those departments in  
those areas anticipated over the subsequent 5-year period. Those  
reports must be submitted jointly to the joint standing committee  
48 of the Legislature having jurisdiction over inland fisheries and  
wildlife matters and the

2 joint standing committee of the Legislature having jurisdiction  
over public recreation matters beginning in January 2005, and  
every 5 years thereafter.

## 6 SUMMARY

8 This bill implements the unanimous and the majority  
recommendations of the Commission to Study Equity in the  
10 Distribution of Gasoline Tax Revenues Attributable to  
Snowmobiles, All-terrain Vehicles and Watercraft and is reported  
12 pursuant to Resolve 2001, chapter 68. The Constitution of Maine,  
Article IX, Section 19, requires that taxes on fuels used for the  
14 propulsion of vehicles on public highways must be used for  
certain costs associated with highways. Taxes collected on fuels  
16 used for other purposes are not required to be so used.

18 Surveys conducted for the commission show that gasoline use  
by recreational snowmobilers, all-terrain vehicle users and  
20 boaters is generating approximately \$1,100,000 per year more in  
gasoline tax revenues than is being allocated to the state  
22 agencies that support those outdoor recreational activities and  
that help protect the public safety and the State's natural  
24 resources by enforcing the laws regulating the use of those  
vehicles. This bill creates greater equity in the distribution  
26 of gasoline tax revenues by immediately increasing annual  
gasoline tax allocations to those agencies by 50% of that amount  
28 in fiscal years 2002-03, 2003-04 and 2004-05, while ensuring full  
equity over the longer term by establishing a process that will  
30 result in the allocation of 100% of the excise taxes for gasoline  
paid by those users back to the programs that support those  
32 activities beginning in fiscal year 2005-06.

34 The process established to ensure equity in the distribution  
of gasoline tax revenues attributable to snowmobiles, all-terrain  
36 vehicles and watercraft requires that the Department of  
Transportation, the Department of Conservation, the Department of  
38 Inland Fisheries and Wildlife and the Department of Marine  
Resources jointly conduct surveys every 3 years to determine the  
40 amount of gasoline consumed by each of those user groups. After  
reviewing those results, the State Controller certifies to the  
42 State Tax Assessor the specific percentage of total gasoline  
excise tax revenues that is to be allocated to the agencies  
44 administering those programs.

46 The bill also requires the Commissioner of Inland Fisheries  
and Wildlife to maintain snowmobile, watercraft and all-terrain  
48 vehicle registration data, including the telephone number of the  
registrant, in an electronic database format that can be used for  
50 future surveys designed to estimate gasoline consumption by those  
vehicles and requires the commissioner, beginning in January



2003, to obtain the name, address and phone number of nonresident  
boaters who operate motorboats on inland waters and who purchase  
a lake and river protection sticker.

The bill also requires the Department of Conservation, the  
Department of Inland Fisheries and Wildlife and the Department of  
Marine Resources to update, every 5 years, their "Public Access  
to Maine Waters Strategic Plan" and their snowmobile and ATV  
needs assessment. Reports on the Public Access to Maine Waters  
Strategic Plan must be submitted jointly to the joint standing  
committee of the Legislature having jurisdiction over inland  
fisheries and wildlife matters and the joint standing committee  
of the Legislature having jurisdiction over marine resource  
matters and reports on snowmobile and all-terrain vehicle needs  
assessments must be submitted jointly to the joint standing  
committee of the Legislature having jurisdiction over inland  
fisheries and wildlife matters and the joint standing committee  
of the Legislature having jurisdiction over public recreation  
matters beginning in January 2005, and every 5 years thereafter.