

MAINE STATE LEGISLATURE

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208.

L.D. 599

DATE: 5-9-03

(Filing No. S-136)

TRANSPORTATION

Reported by:

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE SENATE 121ST LEGISLATURE FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 208, L.D. 599, Bill, "An Act To Implement the Recommendations of the Task Force on Rail Transportation"

Amend the bill by striking out the title and substituting the following:

'An Act To Implement the Recommendations of the Task Force on Rail Transportation and Correct an Inconsistency'

Further amend the bill in section 3 in subsection 1 in the 4th line (page 2, line 10 in L.D.) by striking out the following: ", " and inserting in its place the following: ', '

Further amend the bill in section 3 in subsection 1 in the 5th and 6th lines (page 2, lines 11 and 12 in L.D.) by striking out the following: " fines collected pursuant to Title 29-A, section 2602, subsection 4, paragraph D "

Further amend the bill by striking out all of sections 6 and 7 and inserting in their place the following:

'Sec. 6. 29-A MRSA §2602, sub-§4, ¶¶B and C, as enacted by PL 1997, c. 750, Pt. A, §3, are amended to read:

B. Of the fines and forfeitures collected for traffic infractions under sections 511, 2354, 2356, 2360, 2380, 2387 and 2388, 7% accrues to the General Fund, 6% accrues to the Law Enforcement Agency Reimbursement Fund and the balance accrues to the General Highway Fund; and

C. Of the fines and forfeitures collected for violations other than traffic infractions under sections 511, 2354,

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COMMITTEE AMENDMENT "A" to S.P. 208, L.D. 599

2356, 2360, 2380, 2387 and 2388, only \$5 or 13%, whichever is greater, accrues to the General Fund and the balance accrues to the Highway Fund.'

Further amend the bill by inserting after section 12 the following:

'Sec. 13. Effective date. Those sections of this Act that amend the Maine Revised Statutes, Title 23, section 7103, subsection 1; Title 29-A, section 2602, subsection 4, paragraphs B and C; and Title 36, section 2625 take effect July 1, 2005. That section of this Act that enacts Title 36, section 1865 takes effect July 1, 2005. That section of this Act that repeals Title 36, section 2621-A, subsection 3, paragraph F takes effect July 1, 2005.'

Further amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment deletes the section of the bill that proposed depositing fines imposed for truck weights exceeding 100,000 pounds into the Railroad Preservation and Assistance Fund. It amends the Maine Revised Statutes, Title 29-A, section 2602 to provide fines from the over-100,000-pounds violations to be deposited in the Highway Fund in the same manner as other fines for weight violations. It adds a delayed effective date of July 1, 2006 to those provisions of the bill that have a fiscal impact.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



**121st Maine Legislature
Office of Fiscal and Program Review**

LD 599

**An Act To Implement the Recommendations of the Task Force on Rail
Transportation and Correct an Inconsistency**

LR 1087(02)

Fiscal Note for Bill As Amended by Committee Amendment "A" S136

Committee: Transportation

Fiscal Note Required: Yes

Fiscal Note

	2003-04	2004-05	Projections 2005-06	Projections 2006-07
Net Cost (Savings):				
General Fund	\$0	\$0	\$420,000	\$420,000
Revenue				
General Fund	\$0	\$0	(\$420,000)	(\$420,000)
Highway Fund	\$0	\$0	\$20,000	\$20,000
Other Special Revenue Funds	\$0	\$0	\$255,000	\$255,000

Fiscal Detail and Notes

This bill will decrease General Fund revenue by \$420,000 annually and increase Highway Fund Revenue by \$20,000 and increase Other Special Revenue by \$255,000 beginning in fiscal year 2005-06. The net annual loss of revenue is \$145,000 and is due to the removal of the cap on the Maine Capital Tax Credit. The bill also dedicates fines collected pursuant to 29A MRSA section 2602, subsection 4, paragraph D to the Highway Fund. Based on the Judicial Department's database of case activity, approximately \$20,000 in fines is expected to be paid annually to the Highway Fund beginning in fiscal year 2005-06 under this violation. Therefore, there will be an increase in revenue to the Highway Fund of \$20,000 annually and an equal amount of revenue loss to the General Fund beginning in fiscal year 2005-06.

Section 12 of this bill requires a subcommittee of the Joint Standing Committee on Taxation to review and make recommendations for statutory revisions to tax laws affecting railroads. Assuming this review is conducted within the number of interim committee meetings ultimately authorized for the Joint Standing Committee on Taxation or during the Second Regular Session of the 121st Legislature, there would be no additional costs to the Legislature as a result of this bill. Any additional costs to the Department of Economic and Community Development associated with ensuring that transportation needs and the potential use of rail are considered when economic development projects are planned can be absorbed by the Department utilizing existing budgeted resources.