

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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Legislative Document

No. 1487

H.P. 1042

House of Representatives, June 4, 2009

### An Act To Provide Funding for the Highway Fund Biennial Budget

(AFTER DEADLINE)

(EMERGENCY)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Transportation suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative MAZUREK of Rockland.

Cosponsored by Senator DAMON of Hancock and

Representatives: BLANCHARD of Old Town, CAREY of Lewiston, HARLOW of Portland, HOGAN of Old Orchard Beach, MITCHELL of the Penobscot Nation, PEOPLES of Westbrook, THERIAULT of Madawaska.

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

3           **Whereas,** certain obligations and expenses incident to the operation of the biennial  
4 Highway Fund are necessary concurrent with the commencement of the state fiscal years  
5 2009-10 and 2010-11; and

6           **Whereas,** the continued operation and sustainability of the Highway Fund is  
7 dependent on adequate funding; and

8           **Whereas,** in the judgment of the Legislature, these facts create an emergency within  
9 the meaning of the Constitution of Maine and require the following legislation as  
10 immediately necessary for the preservation of the public peace, health and safety; now,  
11 therefore,

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

13           **Sec. 1. 36 MRSA §2903, sub-§7** is enacted to read:

14           **7. Surcharge.** Beginning July 1, 2009, a surcharge must be charged on internal  
15 combustion engine fuel at the rate of 5¢ per gallon, except that the surcharge does not  
16 apply to internal combustion engine fuel bought or used for the purpose of propelling jet  
17 engine aircraft. This surcharge accrues to the Highway Fund to provide funding to the  
18 Department of Transportation for highway and bridge capital purposes, except that the  
19 Treasurer of State shall deposit monthly into the TransCap Trust Fund established in Title  
20 30-A, section 6006-G 7.5% of this surcharge.

21 This subsection is repealed July 1, 2011.

22           **Sec. 2. 36 MRSA §3203, sub-§1,** as amended by PL 2007, c. 650, §1, is repealed.

23           **Sec. 3. 36 MRSA §3203, sub-§4,** as amended by PL 2007, c. 538, Pt. L, §2, is  
24 further amended to read:

25           **4. Highway Fund.** All taxes and fines collected under this chapter must be credited  
26 to the Highway Fund, except that beginning July 1, 2009 the Treasurer of State shall  
27 deposit monthly into the TransCap Trust Fund established in Title 30-A, section 6006-G  
28 7.5% of the excise tax imposed under subsection + 1-B.

29           **Sec. 4. 36 MRSA §3203, sub-§7** is enacted to read:

30           **7. Surcharge.** Beginning July 1, 2009, a surcharge must be charged on all suppliers  
31 of distillates sold, on all retailers of low-energy fuel sold and on all users of special fuel  
32 used in this State for each gallon of special fuel at the rate of 5¢ per gallon. This  
33 surcharge accrues to the Highway Fund to provide funding to the Department of  
34 Transportation for highway and bridge capital purposes, except that the Treasurer of State  
35 shall deposit monthly into the TransCap Trust Fund established in Title 30-A, section  
36 6006-G 7.5% of this surcharge.

37 This subsection is repealed July 1, 2011.

1       **Sec. 5. Appropriations and allocations.** The following appropriations and  
2 allocations are made.

3       **TRANSPORTATION, DEPARTMENT OF**

4       **Highway and Bridge Capital 0406**

5       Initiative: Provides funding for Capital Expenditures projects.

6			
7	<b>HIGHWAY FUND</b>	<b>2009-10</b>	<b>2010-11</b>
8	Capital Expenditures	\$12,561,894	\$5,307,482
9			
10	<b>HIGHWAY FUND TOTAL</b>	<u>\$12,561,894</u>	<u>\$5,307,482</u>

11       **Highway and Bridge Light Capital Z095**

12       Initiative: Provides funding for Capital Expenditures projects.

13			
14	<b>HIGHWAY FUND</b>	<b>2009-10</b>	<b>2010-11</b>
15	Capital Expenditures	\$21,050,000	\$22,925,000
16			
17	<b>HIGHWAY FUND TOTAL</b>	<u>\$21,050,000</u>	<u>\$22,925,000</u>

18       **Urban-Rural Initiative Program 0337**

19       Initiative: Replaces funding to the Urban-Rural Initiative Program that was reduced in the  
20 Governor's proposed 2010-2011 Highway Fund biennial budget, LD 333.

21			
22	<b>HIGHWAY FUND</b>	<b>2009-10</b>	<b>2010-11</b>
23	All Other	\$0	\$5,000,000
24			
25	<b>HIGHWAY FUND TOTAL</b>	<u>\$0</u>	<u>\$5,000,000</u>

26       **Urban-Rural Initiative Program 0337**

27       Initiative: Adjusts funding for the Urban-Rural Initiative Program at the correct  
28 proportioned rate per the Maine Revised Statutes, Title 23, section 1803-B.

29			
30	<b>HIGHWAY FUND</b>	<b>2009-10</b>	<b>2010-11</b>
31	All Other	\$3,582,356	\$3,009,018
32			
33	<b>HIGHWAY FUND TOTAL</b>	<u>\$3,582,356</u>	<u>\$3,009,018</u>





# 124th MAINE LEGISLATURE

LD 1487

LR 2008(01)

## An Act To Provide Funding for the Highway Fund Biennial Budget

### Preliminary Fiscal Impact Statement for Original Bill

Sponsor: Rep. Mazurek of Rockland

Committee: Transportation

Fiscal Note Required: Yes

### Preliminary Fiscal Impact Statement

	2009-10	2010-11	Projections 2011-12	Projections 2012-13
<b>Net Cost (Savings)</b>				
Highway Fund	\$0	\$0	\$0	\$0
<b>Appropriations/Allocations</b>				
Highway Fund	\$37,194,250	\$36,241,500	\$0	\$0
<b>Revenue</b>				
Highway Fund	\$37,194,250	\$36,241,500	\$0	\$0
Other Special Revenue Funds	\$3,015,750	\$2,938,500	\$0	\$0

#### Fiscal Detail and Notes

This legislation proposes a \$.05 per gallon surcharge on gasoline and special fuels beginning July 1, 2009 and ending July 1, 2011. Highway Fund revenue is estimated to increase by \$37,194,250 in fiscal year 2009-10 and \$36,241,500 in fiscal year 2010-11. Other Special Revenue Funds, which is the portion of this surcharge deposited into the TransCap Fund with the Maine Municipal Bond Bank, is estimated to increase by \$3,015,750 in fiscal year 2009-10 and \$2,938,500 in fiscal year 2010-11. These revenue estimates could be impacted by other changes to the gasoline and special fuel rates proposed in the Highway Fund 2010-2011 biennial budget, LD 333. The resulting Highway Fund revenue increase has been allocated to the Department of Transportation for highway and bridge capital projects.