

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

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No. 1149

H.P. 812

House of Representatives, March 23, 2017

**An Act To Provide Revenue To Fix and Rebuild Maine's
Infrastructure**

Reference to the Committee on Transportation suggested and ordered printed.

Robert B. Hunt
ROBERT B. HUNT
Clerk

Presented by Representative McLEAN of Gorham.

Cosponsored by Representatives: BRYANT of Windham, GRANT of Gardiner.

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

2 **Sec. 1. 23 MRSA §1651**, as amended by PL 1971, c. 593, §22, is further amended
3 to read:

4 **§1651. Highway Fund established; purpose; revenue**

5 To provide funds for the construction of state, state aid and town ways, for the
6 maintenance of state and state aid highways, and interstate, intrastate and international
7 bridges, and for other items of expenditure specified, there is established a fund to be
8 known as the ~~General~~ Highway Fund. This fund ~~shall~~ must include all fees received from
9 the registration of motor vehicles and licensing of operators thereof; all fees accruing to
10 the Treasurer of State under Title 25, section 1502; the receipts from the tax on internal
11 combustion engine fuels; 10% of the receipts from the sales and use tax imposed on
12 transportation-related items pursuant to Title 36, section 1966; the surcharge imposed on
13 registrations of hybrid motor vehicles pursuant to Title 29-A, section 501, subsection
14 1-A, battery-electric motor vehicles pursuant to Title 29-A, section 501, subsection 13
15 and hydrogen fuel cell motor vehicles pursuant to Title 29-A, section 501, subsection 14;
16 and all sums received on account of the department for permits to open highways, or from
17 other sources, the disposition of which is not otherwise designated by law. After payment
18 from ~~said General~~ the Highway Fund of such sums for interest and retirement as are
19 necessary to meet the provisions of bond issues for state highway and bridge
20 construction, the remainder of ~~said the fund~~ shall must be segregated, apportioned and
21 expended as provided by the Legislature.

22 **Sec. 2. 29-A MRSA §101, sub-§8-B** is enacted to read:

23 **8-B. Battery-electric motor vehicle.** "Battery-electric motor vehicle" means an
24 automobile or pickup truck the primary motive power of which is an electric motor.
25 "Battery-electric motor vehicle" includes an electric motor vehicle with an auxiliary fuel
26 combustion engine for purposes of charging a battery and operating auxiliary equipment.
27 "Battery-electric motor vehicle" does not include a low-speed vehicle.

28 **Sec. 3. 29-A MRSA §101, sub-§§27-B and 27-C** are enacted to read:

29 **27-B. Hybrid motor vehicle.** "Hybrid motor vehicle" means an automobile or
30 pickup truck powered by a combination of a fuel combustion engine and electric motor.

31 **27-C. Hydrogen fuel cell motor vehicle.** "Hydrogen fuel cell motor vehicle" means
32 an automobile or pickup truck the primary motive power of which is an electric motor
33 powered by hydrogen and a fuel cell on board the vehicle to generate electricity.
34 "Hydrogen fuel cell motor vehicle" does not include a low-speed vehicle.

35 **Sec. 4. 29-A MRSA §462, sub-§2**, as enacted by PL 1993, c. 683, Pt. A, §2 and
36 affected by Pt. B, §5, is amended to read:

37 **2. Payment of fee for temporary registration plate.** The fee for a temporary
38 registration plate is ~~\$4~~ \$5 per plate. A purchaser may operate the motor vehicle or trailer
39 with a temporary registration plate for a period of 14 consecutive days without payment

1 of a regular fee. If the purchaser is a nonresident member of the Armed Services, the
2 purchaser may operate a motor vehicle or trailer for a period of 20 consecutive days
3 without payment of a regular fee. At the end of this initial period, a resident who is
4 unable to comply with the requirements of chapter 7 or a nonresident who has applied for
5 but has not yet received a registration certificate from a home state may request the
6 Secretary of State to extend this period without charge for an additional 20 days.

7 **Sec. 5. 29-A MRSA §501, sub-§1-A** is enacted to read:

8 **1-A. Hybrid motor vehicle registration surcharge.** In addition to the registration
9 fee in subsection 1, the surcharge for registering a hybrid motor vehicle is \$200. The
10 surcharge collected pursuant to this subsection must be deposited in the Highway Fund.

11 **Sec. 6. 29-A MRSA §501, sub-§§13 and 14** are enacted to read:

12 **13. Battery-electric motor vehicle registration surcharge.** In addition to the fee in
13 subsection 1, the surcharge for registering a battery-electric motor vehicle is \$200. The
14 surcharge collected pursuant to this subsection must be deposited in the Highway Fund.

15 **14. Hydrogen fuel cell motor vehicle registration surcharge.** In addition to the
16 fee in subsection 1, the surcharge for registering a hydrogen fuel cell motor vehicle is
17 \$200. The surcharge collected pursuant to this subsection must be deposited in the
18 Highway Fund.

19 **Sec. 7. 29-A MRSA §502, sub-§1,** as enacted by PL 1993, c. 683, Pt. A, §2 and
20 affected by Pt. B, §5, is amended to read:

21 **1. Transferring registration.** A person who transfers the ownership or discontinues
22 the use of a registered motor vehicle, trailer or semitrailer and applies for registration of
23 another motor vehicle, trailer or semitrailer in the same registration year may use the
24 same number plates on payment of a transfer fee of ~~\$8~~ \$13, as long as the registration fee
25 is the same as that of the former vehicle. If the fee for the vehicle to be registered is
26 greater than the fee for the vehicle first registered, that person must also pay the
27 difference. If application is made for a truck camper or a trailer with a gross weight of
28 2,000 pounds or less, the transfer fee is ~~\$5~~ \$10.

29 **Sec. 8. 29-A MRSA §511, sub-§4,** as enacted by PL 1995, c. 513, §1, is amended
30 to read:

31 **4. Duplicate registrations for trailers and semitrailers.** At the time of
32 registration, a person registering a trailer or semitrailer that exceeds 2,000 pounds, in
33 accordance with this section or section 512, may apply for and receive a duplicate
34 registration for an additional ~~\$2~~ \$5 fee. This subsection does not apply to camp trailers.

35 **Sec. 9. 29-A MRSA §603, sub-§1,** as amended by PL 2007, c. 647, §4 and
36 affected by §8 and amended by c. 703, §§16 to 20, is further amended to read:

37 **1. Fee of \$43.** A fee of ~~\$33~~ \$43 must be paid to the Secretary of State for the
38 following:

- 1 A. A report of a search of the records of the Bureau of Motor Vehicles for each name
- 2 or identification number;
- 3 B. Filing an application for a first certificate of title, including security interest;
- 4 C. Filing notice of a security interest after the first certificate of title has been issued;
- 5 D. A certificate of title after a transfer;
- 6 E. A certificate of salvage;
- 7 F. A corrected certificate of title or salvage;
- 8 G. A duplicate certificate;
- 9 H. Assignment of a new vehicle identification number;
- 10 I. A 2nd or subsequent security interest noted on an application for certificate of title;
- 11 J. Filing an assignment of a security interest; or
- 12 K. An ordinary certificate of title issued on surrender of a distinctive certificate.

13 Beginning July 1, 2009, \$10 of the fee must be transferred on a quarterly basis by the
14 Treasurer of State to the TransCap Trust Fund established by Title 30-A, section 6006-G.

15 For a person who possesses a trailer or semitrailer registration pursuant to section 512,
16 subsection 3, the fee is ~~\$18~~ \$28.

17 **Sec. 10. 29-A MRSA §1307, sub-§§1 to 3**, as amended by PL 2013, c. 381, Pt.
18 B, §17, are further amended to read:

19 **1. Class A, Class B or Class C commercial driver's license.** The examination fee
20 for a Class A, Class B or Class C commercial driver's license is ~~\$35~~ \$40, which includes
21 the first road test. A reexamination is ~~\$15~~ \$20.

22 **2. Class C noncommercial license.** The examination fee for a Class C
23 noncommercial license is ~~\$10~~ \$15, which includes the first road test. A reexamination is
24 ~~\$5~~ \$10.

25 **3. Examination fee for endorsements.** The examination fee for a double or triple
26 trailer, bus, tank vehicle, hazardous materials endorsement or the renewal of a hazardous
27 materials endorsement is ~~\$10~~ \$15. A reexamination is ~~\$5~~ \$10.

28 **Sec. 11. 29-A MRSA §1307, sub-§4**, as amended by PL 2015, c. 206, §6, is
29 further amended to read:

30 **4. Cancellation of examination appointment.** If an examination requires an
31 appointment and the applicant does not keep that appointment, the Secretary of State shall
32 assess an additional ~~\$30~~ \$35 fee for a Class A, Class B or Class C commercial
33 examination and ~~\$20~~ \$25 for a bus, school bus or Class C noncommercial examination at
34 the time of reappointment for examination. If the applicant notifies the Department of the
35 Secretary of State, Bureau of Motor Vehicles, Driver Examination Section of cancellation
36 at least 48 hours prior to the examination, the Secretary of State shall waive the additional
37 fee.

1 **Sec. 12. 29-A MRSA §1405, sub-§3**, as repealed and replaced by PL 2015, c.
2 206, §7, is amended to read:

3 **3. Fee.** The fee for a duplicate registration certificate is ~~\$2~~ \$5. The fee for a
4 duplicate learner's permit, duplicate license or duplicate nondriver identification card is
5 ~~\$5~~ \$10.

6 **Sec. 13. 29-A MRSA §1410, sub-§2**, as amended by PL 2013, c. 51, §6, is
7 further amended to read:

8 **2. Issuance of card; contents.** Except as provided by section 1255, upon receipt of
9 a completed application and payment of a fee of ~~\$5~~ \$15, the Secretary of State shall issue
10 a nondriver identification card to the applicant. If an applicant is the holder of a motor
11 vehicle driver's license bearing a photograph or digital image of the individual and issued
12 under this chapter, the Secretary of State or the Secretary of State's representative may
13 refuse to issue a nondriver identification card. The Secretary of State shall provide that a
14 nondriver identification card issued to a person less than 21 years of age has a distinctive
15 color code. Each nondriver identification card must contain:

- 16 A. The applicant's photograph or digital image;
- 17 B. The applicant's name and address;
- 18 C. The applicant's date of birth; and
- 19 E. Any other information and identification that the Secretary of State by rule
20 requires.

21 **Sec. 14. 36 MRSA §1966** is enacted to read:

22 **§1966. Transfer to Highway Fund**

23 By the 20th day of each month, the assessor shall notify the State Controller and the
24 Treasurer of State of the amount of revenue attributable to the tax collected under this
25 Part in the previous month on sales of transportation-related items, reduced by the
26 transfer to the Local Government Fund required by Title 30-A, section 5681. When
27 notified by the assessor, the State Controller shall transfer 10% of that amount to the
28 Highway Fund. As used in this section, "transportation-related items" means motor
29 vehicles and products for the repair and maintenance of motor vehicles, including, but not
30 limited to, tires, batteries and motor oil.

31 The assessor shall adopt routine technical rules pursuant to Title 5, chapter 375,
32 subchapter 2-A to implement this section.

33 **Sec. 15. 36 MRSA §2903, sub-§1**, as amended by PL 2011, c. 240, §24, is
34 further amended to read:

35 **1. Excise tax imposed.** Beginning July 1, 2008 and ending June 30, 2009, an excise
36 tax is imposed on internal combustion engine fuel used or sold in this State, including
37 sales to the State or a political subdivision of the State, at the rate of 28.4¢ per gallon,
38 except that the rate is 3.4¢ per gallon on internal combustion engine fuel bought or used

1 for the purpose of propelling jet or turbojet engine aircraft. Beginning July 1, 2009 and
2 ending September 30, 2017, an excise tax is imposed on internal combustion engine fuel
3 used or sold in this State, including sales to the State or a political subdivision of the
4 State, at the rate of 29.5¢ per gallon, except that the rate is 3.4¢ per gallon on internal
5 combustion engine fuel bought or used for the purpose of propelling jet engine aircraft.
6 ~~The tax rate provided by this subsection except the rate of tax imposed on fuel bought or~~
7 ~~used for the purpose of propelling jet engine aircraft is subject to an annual inflation~~
8 ~~adjustment pursuant to section 3324.~~ Beginning October 1, 2017, an excise tax is imposed
9 on internal combustion engine fuel used or sold in this State, including sales to the State
10 or a political subdivision of the State, at the rate of 36.5¢ per gallon, except that the rate is
11 3.4¢ per gallon on internal combustion engine fuel bought or used for the purpose of
12 propelling jet engine aircraft. Any fuel containing at least 10% internal combustion
13 engine fuel is subject to the tax imposed by this section.

14 SUMMARY

15 This bill does the following for the purpose of increasing the revenue to the Highway
16 Fund.

17 1. It increases by \$3 to \$10 certain fees charged by the Secretary of State for driver's
18 license examinations, temporary license plates, nondriver identification cards, issuance of
19 duplicate registrations, titles, licenses and nondriver identification cards and transfers of
20 registrations.

21 2. It imposes a \$200 surcharge, dedicated to the Highway Fund, on the registration of
22 hybrid motor vehicles, battery-electric motor vehicles and hydrogen fuel cell motor
23 vehicles.

24 3. It requires 10% of the sales tax imposed on transportation-related items, such as
25 motor vehicles and the products for the repair and maintenance of motor vehicles, such as
26 motor oil, batteries and tires, to be transferred to the Highway Fund on a monthly basis.

27 4. It increases the tax imposed on motor vehicle fuel by 7¢ per gallon, to 36.5¢ per
28 gallon, beginning October 1, 2017.