

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 1994 to June 30, 1995

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 29, 1995

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4

J.S. McCarthy Company
Augusta, Maine
1995

§17714. Baxter State Park Authority rangers

A law enforcement officer in the employment of the Baxter State Park Authority who elects the retirement option provided in section 17851, subsection 12 shall contribute to the retirement system or have pick-up contributions made by the employer as provided in section 17852, subsection 11.

Sec. C-2. 5 MRSA §17851, sub-§12 is enacted to read:

12. Baxter State Park Authority rangers; option. A law enforcement officer in the employment of the Baxter State Park Authority qualifies for a service retirement benefit upon reaching 55 years of age after completing at least 25 years of creditable service in that capacity if notice of election of the option and payment of employee contributions and actuarial costs are made as provided in section 17852, subsection 11.

Sec. C-3. 5 MRSA §17852, sub-§11 is enacted to read:

11. Baxter State Park Authority rangers; option. The retirement benefit of a person who qualifies under section 17851, subsection 12 and who retires upon or after reaching 55 years of age is computed in accordance with subsection 1 if:

A. The person was first employed as a law enforcement officer at the Baxter State Park Authority on or after November 1, 1995, elects the option provided in section 17851, subsection 12 and pays to the retirement system an increased employee payroll contribution in an amount that equals the full actuarial cost of electing that option; or

B. The person was first employed as a law enforcement officer at the Baxter State Park Authority before November 1, 1995, elects the option provided in section 17851, subsection 12 and pays to the retirement system single or periodic payment of a lump sum or by a combination of single and periodic payments of the amount that equals the full actuarial cost of electing that option for service before that date. A person who requests calculation of the full actuarial cost, regardless of whether the person elects the option, must pay to the retirement system by single lump sum payment the reasonable administrative costs of determining the full actuarial costs. Payment of the full actuarial cost related to service on or after November 1, 1995 is made as part of the employee payroll contribution.

For the purposes of this subsection, "full actuarial cost" means that the person's payment or payments must fully offset any unfunded liability that would or

does result from retirement under the option provided in section 17851, subsection 12 and must fully fund the cost of the person's retirement prior to normal retirement age so that an additional employer contribution is not required.

A person who makes the election provided in section 17851, subsection 12 at any time after the date on which the person is first employed as a law enforcement officer at the Baxter State Park Authority must include interest at a rate to be set by the board not to exceed regular interest by 5 or more percentage points, applied as of the date on which the person was first employed in that capacity to the contributions the person would have paid or had picked up by the employer had the person elected that option at the date of first employment.

This subsection is effective November 1, 1995. Election to retire under this subsection is a one-time irrevocable election. A person who was first employed as a law enforcement officer at the Baxter State Park Authority on or after November 1, 1995 must make the election no later than 90 days after the date of first employment. A person who was first employed in that capacity before November 1, 1995 must make the election no later than November 1, 1996.

PART D

Sec. D-1. Maine State Retirement System methodology. The Maine State Retirement System shall develop a methodology for calculating the full actuarial cost, reasonable administrative cost, and interest, if applicable, to be applied when a person elects to retire under the Maine Revised Statutes, Title 5, section 17581, subsections 5-A, 6-A or 12. The retirement system shall also establish the procedure for election under those subsections.

See title page for effective date.

CHAPTER 467**H.P. 604 - L.D. 814****An Act to Clarify the Registration of Snowmobiles by Nonresidents**

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

Whereas, this legislation changes the fees for certain snowmobile registrations; and

Whereas, annual snowmobile registrations run from July 1st to June 30th; and

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

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

Sec. 1. 12 MRSA §7824, sub-§1, as enacted by PL 1979, c. 420, §1, is amended to read:

1. Application and issuance. The commissioner, ~~or an agent designated by him, or the commissioner's designee~~ may register and assign a registration number to all snowmobiles upon application and payment of ~~an annual~~ a registration fee by the owner. ~~A registration shall be valid for one year commencing July 1st of each year.~~

Sec. 2. 12 MRSA §7824, sub-§1-B, ¶B, as repealed and replaced by PL 1989, c. 493, §56, is amended to read:

B. For the purpose of issuing snowmobile registrations, agents other than municipal agents ~~shall~~ be appointed or reappointed as follows.

(1) The commissioner ~~shall~~ may designate as an agent, for the purpose of issuing snowmobile registrations, any person who is licensed as a snowmobile dealer in accordance with section 7825, submits a complete application, is credit worthy and has not violated any provision of this subchapter. The commissioner may designate as an agent for the purpose of selling non-resident snowmobile registrations any business that submits a complete application, is determined by the commissioner to be credit worthy and has not violated any provision of this subchapter.

(2) A business, the agency of which is revoked for a violation of this subchapter, may reapply for an agency for the 2nd year following the last year it held an agency.

Sec. 3. 12 MRSA §7824, sub-§2, as amended by PL 1991, c. 477, §1, is further amended to read:

2. Fee. The annual snowmobile registration fee is ~~\$20~~, as follows:

A. For residents, \$20. The registration for a snowmobile owned by a resident is valid for one year, commencing on July 1st of each year; and

B. For nonresidents:

(1) Thirty-five dollars for a 3-consecutive day registration. A person may purchase more than one 3-day registration in any season;

(2) Fifty dollars for a 10-consecutive day registration. A person may purchase more than one 10-day registration in any season; and

(3) Sixty dollars for a seasonal registration.

The registration for a snowmobile owned by a nonresident must specify the dates for which the registration is valid.

Sec. 4. 12 MRSA §7824, sub-§3, ¶B, as amended by PL 1991, c. 477, §3, is further amended to read:

B. The registration fee for nonresidents is credited as follows:

(1) ~~\$10.75~~ Fifteen dollars of each fee is credited to the General Fund as undedicated revenue; ~~and,~~

(2) ~~\$9.25 of each fee~~ The remainder is credited to the Snowmobile Trail Fund of the Department of Conservation, Bureau of Parks and Recreation.

Sec. 5. 12 MRSA §7824, sub-§6, as enacted by PL 1979, c. 420, §1, is amended to read:

6. Duplicate registration certificate. The holder of any resident or nonresident seasonal registration certificate issued under this section may obtain a duplicate from the commissioner upon application and payment of a fee of \$1.

Sec. 6. 12 MRSA §7824, sub-§7, as amended by PL 1979, c. 543, §77, is further amended to read:

7. Numbers permanent. All numbers once awarded under this section to a resident-owned snowmobile ~~shall~~ remain with that snowmobile until the snowmobile is destroyed, abandoned or permanently removed from this State, except that numbers that have been inactive for at least 7 years may be reissued by the division.

Sec. 7. 12 MRSA §7824, sub-§8, ¶A, as amended by PL 1991, c. 477, §5, is further amended to read:

A. ~~Whoever~~ A person who transfers the ownership or permanently discontinues the use of a registered snowmobile having a resident registration or a nonresident seasonal registration and applies for registration of another snowmobile in

the same registration year is entitled to a certificate of registration upon payment of a transfer fee of \$2 and is not required to pay the regular registration fee of \$20.

Sec. 8. 12 MRSA §7824, sub-§9, as repealed and replaced by PL 1993, c. 574, §26, is amended to read:

9. Reciprocity. Except as specifically provided in this subsection, and notwithstanding any other provision of law, a snowmobile may be possessed or operated by any person in this State without being registered in this State as long as:

A. The snowmobile is properly registered in the name of a nonresident owner of the snowmobile; and

B. The nonresident owner of the snowmobile is a resident of a state, province, country or district with which this State has reciprocity.

For purposes of this subsection, "state, province, country or district with which this State has reciprocity" means a state, province, country or district that offers similar privileges to residents of this State. A state, province, country or district does not offer similar privileges if Maine residents holding a valid Maine snowmobile registration are charged a fee for access to the trail system in that state, province, country or district, or if, as determined by the commissioner, privileges and opportunities offered to snowmobile users in that state, province, country or district are not otherwise comparable to those offered in this State.

~~If a snowmobile is owned by a nonresident, but is primarily operated by a Maine resident, it must be registered in this State pursuant to this section. A snowmobile owned by a nonresident may not be issued a resident registration. Nothing in this subsection authorizes the operation of any snowmobile in any manner contrary to this subchapter.~~

Sec. 9. 12 MRSA §7824-B, as enacted by PL 1991, c. 586, §4, is amended to read:

§7824-B. Original registration defined

"Original registration" means any registration other than a renewal of registration by the same owner in sections ~~7824-A to 7824-E~~, 7824-B, 7824-E and 7824-F.

Sec. 10. 12 MRSA §§7824-C and 7824-D, as enacted by PL 1991, c. 586, §4, are repealed.

Sec. 11. 12 MRSA §7824-E, as enacted by PL 1991, c. 586, §4, is amended to read:

§7824-E. Collection by State Tax Assessor

The provisions of this section and sections 7824-A ~~to 7824-D~~, 7824-B and 7824-F must be construed as cumulative of other methods prescribed in Title 36 for the collection of the sales or use tax. Nothing in these sections may be construed as precluding the State Tax Assessor from collecting the tax due in respect to any snowmobile in accordance with such other methods as are prescribed in Title 36 for the collection of the sales or use tax.

Sec. 12. 12 MRSA §7824-F is enacted to read:

§7824-F. Payment of sales or use tax prior to registration

Prior to registering a snowmobile, an agent of the commissioner shall collect sales or use taxes due. Sales or use taxes are due unless:

1. Nonresident. The person registering the snowmobile is not a resident of this State. Nonresidents are exempt from sales or use taxes on snowmobiles under Title 36, section 1760, subsection 25-B;

2. Renewal. The registration is a renewal registration by the same owner;

3. Collected by the dealer. The applicant possesses a dealer's certificate showing that the sales tax was collected by the dealer. The State Tax Assessor shall prescribe the form of a dealer's certificate; or

4. Exempt. The snowmobile is otherwise exempt from sales or use taxes under the provisions of Title 36, section 1760.

Sec. 13. 12 MRSA §7825, sub-§3, ¶A, as amended by PL 1991, c. 477, §7, is further amended to read:

A. Each registered dealer may receive dealer's number plates ~~for a \$16 annual fee for each plate.~~ The annual fee for a dealer's number plate is:

- (1) For a resident dealer's plate, \$16; and
- (2) For a nonresident dealer's plate, \$60.

Sec. 14. 12 MRSA §7827, sub-§§24 and 25 are enacted to read:

24. Unlawful issuance of snowmobile registration. An agent is guilty of unlawfully issuing a snowmobile registration if that agent issues a resident snowmobile registration to a nonresident or a nonresident snowmobile registration to a resident.

25. Fraudulent acquisition of a snowmobile registration. A person is guilty of fraudulently obtaining a snowmobile registration if that person obtains that registration through fraud, misstatement or misrepresentation.

Sec. 15. 36 MRSA §1760, sub-§25-A, as enacted by PL 1991, c. 846, §22, is amended to read:

25-A. All-terrain vehicles. All-terrain vehicles as defined in Title 12, section 7851 ~~and snowmobiles as defined in Title 12, section 7821~~ purchased by a nonresident and intended to be driven or transported outside the State immediately upon delivery by the seller. The purchaser is exempt from use tax, unless the ~~snowmobile~~ or all-terrain vehicle is present in the State for more than 30 days during the 12-month period following the date of purchase or is registered in the State without being registered in another state within 12 months of the date of purchase;

Sec. 16. 36 MRSA §1760, sub-§25-B is enacted to read:

25-B. Snowmobiles. A snowmobile, as that term is defined in Title 12, section 7821, subsection 5, purchased by a person who is not a resident of this State;

Sec. 17. 36 MRSA §1760, sub-§45, as amended by PL 1995, c. 65, Pt. A, §142 and affected by Pt. A, §153 and Pt. C, §15, is further amended to read:

45. Certain property purchased outside the State. Sales of property purchased and used by the present owner outside the State:

A. If the property is an automobile, as defined in Title 29-A, section 101, subsection 7, and if the owner was, at the time of purchase, a resident of the other state and either employed or registered to vote there;

A-1. If the property is a watercraft, ~~snowmobile~~ or all-terrain vehicle that is registered outside the State by an owner who at the time of purchase was a resident of another state and the watercraft, ~~snowmobile~~ or all-terrain vehicle is present in the State not more than 30 days during the 12 months following its purchase; or

B. For more than 12 months in all other cases.

For purposes of this subsection, "use" does not include storage, but means actual utilization of the property for a purpose consistent with its design. Property, other than automobiles, watercraft, ~~snowmobiles~~ and all-terrain vehicles, that is required to be registered for use in this State does not qualify for exemption unless it was registered by its present owner outside this State

more than 12 months prior to its registration in this State.

Sec. 18. 36 MRSA §1952-A, as amended by PL 1995, c. 65, Pt. A, §143 and affected by Pt. A, §153 and Pt. C, §15, is further amended to read:

§1952-A. Payment of tax on vehicles and watercraft

The tax imposed by chapters 211 to 225 on the sale or use of any vehicle or watercraft must, except where the dealer ~~thereof~~ of the vehicle or watercraft has collected ~~such~~ the tax in full, be paid by the purchaser or other person seeking registration of the vehicle or watercraft at the time and place of registration of ~~such~~ the vehicle or watercraft. In the case of vehicles except snowmobiles and all-terrain vehicles, the tax must be collected by the Secretary of State and transmitted to the Treasurer of State as provided by Title 29-A, section 409. In the case of watercraft, snowmobiles and all-terrain vehicles, the tax must be collected by the Commissioner of Inland Fisheries and Wildlife and transmitted to the Treasurer of State as provided by Title 12, sections 7793-A to 7793-E, 7824-A to 7824-E or 7854-A ~~to 7854-E, 7824-B, 7824-E and 7824-F.~~

Sec. 19. 36 MRSA §1955-C, as amended by PL 1995, c. 65, Pt. A, §146 and affected by Pt. A, §153 and Pt. C, §15, is further amended to read:

§1955-C. Assessment for vehicles

Certificates forwarded to the State Tax Assessor under Title 29-A, section 409, subsection 4 or Title 12, section 7793-C, ~~7824-C~~ 7824-F or 7854-C, must be treated as returns filed under this Title for purposes of section 141.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect July 1, 1995.

Effective July 1, 1995.

CHAPTER 468

H.P. 577 - L.D. 782

An Act to Establish a Management Framework for the Lobster Fishery within State Waters

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

Sec. 1. 5 MRSA §12004-I, sub-§57-A is enacted to read: