

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

SECOND REGULAR SESSION
January 2, 2002 to April 25, 2002

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 25, 2002

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
2002

H. A requirement to distribute weight on a tri-axle vehicle similar to section 2353, subsection 4, paragraph C must be established through rulemaking;

I. A vehicle with a current, machine-validated weight slip from certified scales showing a gross vehicle weight under the limits provided in paragraph B may not be weighed, except to determine compliance with paragraphs F, G and H;

J. A portable scale allowance factor, which may be either a percentage or a pound-per-axle figure, must be established through rulemaking;

K. Fine reductions consistent with section 2360, subsections 16 and 17 apply;

L. All other fine waivers or reductions in this subchapter, including those set forth in section 2360, subsections 4, 5, 6 and 7, do not apply; and

M. Through rulemaking, fine levels must be established such that either the fine base levels in effect for this subchapter on the effective date of this section are applied or a fine schedule is adopted that is consistent with the relationship of fine to weight that exists for this subchapter on the effective date of this section.

4. Rulemaking. If the Commissioner of Transportation undertakes the pilot project under subsection 1, the department shall adopt rules consistent with subsection 3 to implement this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

5. Report. The Commissioner of Transportation shall report back to the joint standing committee of the Legislature having jurisdiction over transportation matters by December 31, 2004 on the results of the pilot project and the approximate number of 3-axle vehicles hauling soil, unconsolidated rock material and hot bituminous concrete in the State.

6. Repeal. This section is repealed on December 31, 2004.

Sec. 18. 29-A MRSA §2358, sub-§2, ¶¶B and C, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

B. Bearing the words "State Police Truck Check - All Trucks Stop"; ~~and~~

C. Displaying flashing yellow lights, which must operate when the weighing station is open; ~~and~~

Sec. 19. 29-A MRSA §2358, sub-§2, ¶D is enacted to read:

D. Directing operators of vehicles subject to the GVW restrictions to the weighing point if the weighing point is located on a way that intersects the way where the sign is located.

Sec. 20. Joint Standing Committee on Transportation to be briefed during 2002 legislative interim. The Joint Standing Committee on Transportation shall, during its regularly scheduled committee meeting during the 2002 legislative interim, review the development of a pilot project required under the Maine Revised Statutes, Title 29-A, section 2353-A and report on the review to the Commissioner of Transportation. The Commissioner of Transportation and the advisory committee established under that section shall meet with the Joint Standing Committee on Transportation at one of that committee's regularly scheduled meetings during the 2002 legislative interim to update the committee on all matters pertaining to the development of that pilot project.

See title page for effective date.

CHAPTER 688

H.P. 1516 - L.D. 2020

An Act to Promote the Fiscal Sustainability of the Highway Fund

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

Sec. 1. 36 MRSA §2903, sub-§1, as amended by PL 1999, c. 473, Pt. B, §1 and affected by §5, is further amended to read:

1. Excise tax imposed. An excise tax is imposed on internal combustion engine fuel used or sold within this State, including sales to the State or a political subdivision of the State, at the rate of 22¢ per gallon, except that the rate is 3.4¢ per gallon on internal combustion engine fuel, as defined in section 2902, bought or used for the purpose of propelling jet or turbojet engine aircraft. The tax rate provided by this section is subject to annual inflation adjustment pursuant to section 3321 except with respect to the tax imposed upon fuel bought or used for the purpose of propelling jet or turbojet engine aircraft.

Sec. 2. 36 MRSA §2903, sub-§1-B, as enacted by PL 1999, c. 473, Pt. B, §2, is repealed.

Sec. 3. 36 MRSA §2903, sub-§1-C is enacted to read:

1-C. Inventory tax. On the date that any increase in the rate of tax imposed under this chapter takes effect, an inventory tax is imposed by this subsection upon all internal combustion engine fuel

that is held in inventory by a distributor or retail dealer as of the end of the day prior to that date with respect to which the tax imposed pursuant to subsection 1 has been paid. The inventory tax is computed by multiplying the number of gallons of tax-paid fuel held in inventory by the difference between the tax rate already paid and the new tax rate. Distributors and retail dealers that hold such tax-paid inventory shall make payment of the inventory tax on or before the 15th day of the next calendar month, accompanied by a form prescribed and furnished by the State Tax Assessor. In the event of a decrease in the tax rate, the distributor or retail dealer is entitled to a refund or credit, which must be claimed on a form designed and furnished by the assessor. This section does not apply to internal combustion engine fuel purchased or used for the purpose of propelling jet or turbojet engine aircraft.

Sec. 4. 36 MRSA §2916, as enacted by PL 1987, c. 793, Pt. A, §11, is repealed.

Sec. 5. 36 MRSA §3203, sub-§1, as amended by PL 2001, c. 396, §28, is further amended to read:

1. Generally. Except as provided in section 3204-A, an excise tax is levied and imposed on all suppliers of distillates sold, on all retailers of low-energy fuel sold and on all users of special fuel used in this State for each gallon of distillate at the rate of 23¢ per gallon and for each gallon of low-energy fuel based on the British Thermal Unit, referred to in this subsection as "BTU," energy content for each fuel as compared to gasoline. In the case of distillates, the tax rate provided by this section is subject to annual inflation adjustment pursuant to section 3321. These Applicable BTU values are as follows.

Fuel type	BTU content per gallon	Formula (BTU value fuel/ BTU value gasoline) x tax rate gasoline	Tax rate
Gasoline	115,000	100% x 22¢	22¢ per gallon as authorized in section 2903
Methanol (M85)	65,530	57% x 22¢	12.5¢ per gallon
Ethanol (E85)	81,850	71% x 22¢	15.6¢ per gallon

Propane	84,500	73% x 22¢	16¢ per gallon
Compressed Natural Gas	100,000 (BTU per 100 standard cubic feet)	87% x 22¢	19.1¢ per 100 standard cubic feet

Sec. 6. 36 MRSA §3203-B, as enacted by PL 1999, c. 473, Pt. B, §4, is repealed.

Sec. 7. 36 MRSA §3203-C is enacted to read:

§3203-C. Inventory tax

On the date that any increase in the rate of tax imposed under this chapter takes effect, an inventory tax is imposed upon all distillates that are held in inventory by a distributor or retail dealer as of the end of the day prior to that date on which the tax imposed by section 3203, subsection 1 has been paid. The inventory tax is computed by multiplying the number of gallons of tax-paid fuel held in inventory by the difference between the tax rate already paid and the new tax rate. Distributors and retail dealers that hold such tax-paid inventory shall make payment of the inventory tax on or before the 15th day of the next calendar month, accompanied by a form prescribed and furnished by the State Tax Assessor. In the event of a decrease in the tax rate, the distributor or retail dealer is entitled to a refund or credit, which must be claimed on a form designed and furnished by the assessor.

Sec. 8. 36 MRSA c. 465 is enacted to read:

CHAPTER 465

INDEXING OF MOTOR FUEL TAX RATES

§3321. Annual adjustment of tax rates

1. Generally. Beginning in 2003, and each calendar year thereafter, the excise tax imposed upon internal combustion engine fuel pursuant to section 2903, subsection 1 and the excise tax imposed upon distillates pursuant to section 3203, subsection 1 are subject to an annual rate of adjustment pursuant to this section. On or about February 15th of each year, the State Tax Assessor shall calculate the adjusted rates by multiplying the rates in effect on the calculation date by an inflation index as computed in subsection 2. The adjusted rates must then be rounded to the nearest 1/10 of a cent and become effective on the first day of July immediately following the calculation. The assessor shall publish the annually adjusted fuel tax rates and shall provide all necessary forms and reports to suppliers, distributors and retail dealers.

2. Method of calculation; inflation index defined. The inflation index for 2003 is 1.118, representing annual inflation adjustments for the years 1999 to 2002, inclusive. Starting in 2004 and every year thereafter, the inflation index is the Consumer Price Index as defined in section 5402, subsection 1 for the calendar year ending on the December 31st immediately preceding the calculation date, divided by the Consumer Price Index for the prior calendar year.

3. Exclusion. This section does not apply to internal combustion engine fuel purchased or used for the purpose of propelling jet or turbojet engine aircraft.

4. Legislative review. Starting in 2003 and each odd-numbered year thereafter, the Department of Transportation shall submit a bill by the cloture date established for departments and agencies that repeals any adjustment in fuel tax rates in the upcoming biennium resulting from the operation of this section.

Sec. 9. Appropriations and allocations. The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Bureau of Revenue Services

Initiative: Provides funds on a one-time basis for computer programming and on an on-going basis for forms printing and processing associated with certain changes in Highway Fund revenues.

General Fund	2001-02	2002-03
All Other	\$0	\$16,655

See title page for effective date.

CHAPTER 689

H.P. 1483 - L.D. 1984

An Act to Modernize the Procurement Practices at the Department of Transportation

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

Sec. 1. 23 MRSA §753, as amended by PL 1989, c. 208, §20, is further amended to read:

§753. Contracts for construction

The department shall have has full power in the letting of all contracts for the construction of all state highways and other work under its jurisdiction, except as otherwise provided. The department shall make all surveys, plans, estimates, specifications and contracts

for all proposed work and shall, except as otherwise provided in chapters 1 to 19, advertise for bids for the same electronically through the department's publicly accessible site on the Internet or through notices in newspapers. If through newspaper notices, advertisements must appear in 2 or more public newspapers printed wholly or in part in the State, and in one public newspaper printed wholly or in part in the county where the proposed work is to be done, if any such newspaper is so printed in ~~such~~ that county. ~~Such~~ The advertisement shall must state the place where the bidders may examine the plans and specifications, and the time and place where the bids for ~~such~~ the work will be received by the department. Each bidder must accompany ~~his~~ that bidder's bid with a deposit of a good and sufficient bid bond in favor of the State for the benefit of the department, executed by a corporate surety authorized to do business in the State, or certain securities, as defined in Title 14, section 871, subsection 3, payable to the Treasurer of State, for an amount ~~which~~ that the department considers sufficient to guarantee that if the work is awarded to ~~him~~ that bidder, ~~he~~ the bidder will contract with the department for its due execution. All bids ~~so~~ submitted shall must be publicly opened and read at the time and place stated in ~~such~~ the advertisement. The department shall ~~have~~ has the right to reject any and all bids, if in its opinion good cause exists, but otherwise ~~it~~ the department shall award the contract to the lowest responsible bidder. Any town may submit bids for state highway construction within its limits, and shall ~~be~~ is subject to all requirements prescribed for other contractors, except that ~~no a~~ a bond ~~need be~~ is not required of ~~it~~ the town. The department may construct state highways by day labor without advertising for bids; and may, with the approval of the Governor, award contracts for state highways without advertising for bids, if the same ~~shall be~~ is for the best interest of the State.

The department may adopt its own standard contract specifications. ~~Notwithstanding any other federal or state law, the~~ The department's standard specifications shall must be utilized in lieu of federally mandated contract clauses.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

TRANSPORTATION, DEPARTMENT OF

Highway and Bridge Improvements

Initiative: Provides deallocations to reflect the saving that will be realized by allowing the Department of Transportation to post advertisements for bids on construction on the Internet instead of posting legal notices in newspapers.

Highway Fund	2001-02	2002-03
All Other	\$0	(\$10,000)
Highway Fund Total	\$0	(\$10,000)