

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Require Bicyclists To Contribute to the Improvement of Bikeways

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

Sec. 1. 23 MRSA §613 is enacted to read:

§ 613. Bikeway construction surcharge; fund

1. Fund established. The Bikeway Construction Fund, referred to in this section as "the fund," is established within the Department of Transportation to be used by the department to provide funding for the construction and maintenance of bikeways. For purposes of this section, "bikeway" means a bikeway for use primarily by bicyclists and pedestrians.

2. Bikeway construction surcharge. In addition to the tax imposed on the sale of a bicycle pursuant to Title 36, section 1811, there is imposed a surcharge of 2% on the value of any bicycle sold at retail in this State.

3. Funding; administration. All surcharges collected under subsection 2 must be credited to the fund. The surcharge must be collected at the time of the sale of the bicycle and remitted to the State Tax Assessor in the same manner as the sales tax. The State Tax Assessor shall forward any amount collected pursuant to subsection 2 to the Department of Transportation, less the cost of administering the surcharge, which may not exceed 10% of the amount collected.

4. Budget. The expenditures from the fund are subject to legislative approval in the same manner as the Highway Fund budgets of the Department of Transportation.

5. Use of fund. The fund must be used by the Department of Transportation to construct, improve and maintain bikeways in this State. Any amount in the fund that is not expended at the end of a fiscal year does not lapse but must be carried forward.

Sec. 2. Rulemaking. The State Tax Assessor shall adopt routine technical rules pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2A to implement the provisions regarding the imposition and collection of the surcharge imposed pursuant to Title 23, section 613, subsection 2, including revising the sales tax return to allow for a retailer to indicate what portion of the return is attributable to the surcharge imposed pursuant to Title 23, section 613, subsection 2.

Sec. 3. Effective date. This Act applies to retail sales of bicycles occurring on or after October 1, 2011.

SUMMARY

This bill imposes a 2% surcharge on the retail sale of bicycles. The proceeds are to be used by the Department of Transportation to construct, improve and maintain bikeways for use primarily by bicyclists and pedestrians.