

MAINE STATE LEGISLATURE

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STATE OF MAINE
118TH LEGISLATURE

SECOND REGULAR SESSION
AND
SECOND SPECIAL SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
NATURAL RESOURCES

MAY 1998

MEMBERS:

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Sen. John M. Nutting

Sen. Jeffrey H. Butland

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ONE HUNDRED EIGHTEENTH LEGISLATURE
SECOND REGULAR AND SECOND SPECIAL SESSIONS

Summary Of Legislation Before The Joint Standing Committees
May 1998

We are pleased to provide this summary of bills that were considered by the Joint Standing Committees of the Maine Legislature. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this Session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

- CON RES XXX*..... Chapter # of Constitutional Resolution passed by both Houses
- CONF CMTE UNABLE TO AGREE*.....Committee of Conference unable to agree; bill died
- DIED BETWEEN BODIES*.....House & Senate disagree; bill died
- DIED IN CONCURRENCE*.....One body accepts ONTP report; the other indefinitely postpones the bill
- DIED ON ADJOURNMENT*.....Action incomplete when session ended; bill died
- EMERGENCY*.....Enacted law takes effect sooner than 90 days
- FAILED EMERGENCY ENACTMENT/FINAL PASSAGE*.....Emergency bill failed to get 2/3 vote
- FAILED ENACTMENT/FINAL PASSAGE*.....Bill failed to get majority vote
- FAILED MANDATE ENACTMENT*.....Bill imposing local mandate failed to get 2/3 vote
- INDEF PP*.....Bill Indefinitely Postponed
- ONTP*..... Ought Not To Pass report accepted
- OTP ND*..... Committee report Ought To Pass In New Draft
- OTP ND/NT*..... Committee report Ought To Pass In New Draft/New Title
- P&S XXX*..... Chapter # of enacted Private & Special Law
- PUBLIC XXX*..... Chapter # of enacted Public Law
- RESOLVE XXX*..... Chapter # of finally passed Resolve
- UNSIGNED*.....Bill held by Governor
- VETO SUSTAINED*.....Legislature failed to override Governor's Veto

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is June 30, 1998 and July 9, 1998 for the Second Special Session. Second Special Session laws include Public Laws beginning with Chapter 718, Private and Special Laws beginning with Chapter 82 and Resolves beginning with Chapter 117.

organization and specifies that of the 4 public members, one must reside in the community in which the nuclear power plant is located and one must represent a local advisory group on nuclear power plants.

The law provides that a duty of the commission is to study issues relating to the decommissioning of nuclear power plants, including environmental issues. The law requires the Department of Environmental Protection, in addition to the Department of Human Services, to provide staffing assistance to the commission and specifies that the Maine Yankee Atomic Power Plant shall pay \$25,000 annually to the Department of Environmental Protection to support allocations associated with providing this support. The requirement for this payment ends on the date of the final termination of Maine Yankee's operating license.

Chapter 700 was enacted as an emergency measure effective April 3, 1998.

LD 2223

An Act to Reduce Air Pollution from Motor Vehicles and to Meet Requirements of the Federal Clean Air Act

PUBLIC 786

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| | OTP-AM A | H-1050 |
| | OTP-AM B | H-1165 ROWE |
| | ONTP C | H-1168 WHEELER E |

LD 2223 proposed to amend the list of motor vehicle equipment that must be inspected under the State's motor vehicle inspection program to include gas caps on model 1974 and later vehicles, beginning January 1, 1999, and to include on-board diagnostic systems on 1996 and later vehicles, beginning January 1, 2000. The bill also proposed to increase the fee for motor vehicle inspections from \$6 to \$9.50 beginning January 1, 1999 and to \$12.50 for 1996 and later vehicles beginning January 1, 2000. The bill proposed to increase the fee paid by inspection stations for inspection stickers from \$1 to \$1.50 beginning January 1, 1999. The bill also proposed to require certified inspection mechanics to pass an examination as part of the first renewal of an inspection mechanic certificate after January 1, 1999.

The bill proposed to require the Department of Environmental Protection to submit to the United States Environmental Protection Agency a revision to the state implementation plan that incorporates the motor vehicle inspection program under Title 29-A, chapter 15, subchapter 1, to meet the federal requirement for a vehicle emission control inspection and maintenance program.

The bill proposed to make operating a motor vehicle that emits visible smoke in the exhaust emissions for a period of 5 or more consecutive seconds a traffic infraction subject to a fine of up to \$100. The bill also proposed to establish a roadside diesel-powered motor vehicle emission opacity testing program to be administered by the Department of Environmental Protection in cooperation with the Department of Public Safety.

The bill proposed to require the Department of Environmental Protection to establish and implement a public education program designed to increase awareness of ozone and air toxics problems and to promote measures that minimize the contribution of motor vehicle emissions to air quality problems.

Committee Amendment "A" (H-1050), the majority report of the Joint Standing Committee on Natural Resources, proposed to amend the State's motor vehicle inspection program to require an enhanced inspection for motor vehicles required to be registered in Cumberland County. The enhanced inspection would consist of an inspection of the equipment currently subject to inspection plus a fuel tank cap pressure test on model 1974 and

later gasoline-powered vehicles, beginning January 1, 1999, and an inspection of the on-board diagnostic system on 1996 and later vehicles, beginning January 1, 2000. The amendment proposed to require the State Police to adopt rules to establish procedures and standards for a fuel tank cap pressure test.

The amendment proposed to increase the fee for the current inspection to \$6.50 beginning January 1, 1999 and to set the fee for the enhanced inspection at \$9.50 beginning January 1, 1999 and at \$12.50 beginning January 1, 2000 for 1996 and later vehicles only. It proposed to retain the section in the bill that increases the fee paid by inspection stations for inspection stickers from \$1 to \$1.50 beginning January 1, 1999.

The amendment proposed to require all inspection stations in Cumberland County to offer the enhanced inspection only and to permit inspection stations outside of Cumberland County to offer both the current inspection and the enhanced inspection. It proposed to require an inspection station that offers enhanced inspections to employ an inspection mechanic certified to perform enhanced inspections.

The amendment proposed to define "diesel-powered motor vehicle," for purposes of the diesel testing program, as a diesel-powered motor vehicle that has a gross vehicle weight rating of 10,001 or more pounds and that is used in commerce. It proposed to exclude a truck registered as a farm truck from the diesel testing requirements. The amendment proposed to specify that only diesel-powered motor vehicles identified by certified inspectors as potential violators of the emission opacity standards are subject to testing under the diesel testing program and to require that inspectors be certified pursuant to the procedures for certification specified in the United States Environmental Protection Agency's Reference Method 9.

The amendment proposed to require the Department of Environmental Protection to implement a public education program in Cumberland County designed to enhance and facilitate the enforcement of state traffic laws governing automobile inspection and maintenance requirements. It proposed to require the Department of Environmental Protection and the Department of Public Safety to report jointly to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 1, 2000 regarding an evaluation of the enhanced inspection program and any recommendations for expanding the enhanced inspection program statewide.

The amendment proposed to allocate from the Highway Fund \$22,645 to the Department of Environmental Protection and \$185,400 to the State Police.

The amendment also proposed to add a fiscal note to the bill.

Committee Amendment "B" (H-1051), a minority report of the Joint Standing Committee on Natural Resources, proposed to clarify that the fuel tank cap is subject to inspection on gasoline-powered vehicles only and it proposed to require the State Police to adopt rules to establish procedures and standards for a fuel tank cap pressure test.

The amendment proposed to define "diesel-powered motor vehicle," for purposes of the diesel testing program, as a diesel-powered motor vehicle that has a gross vehicle weight rating of 10,001 or more pounds and that is used in commerce. It proposed to exclude a truck registered as a farm truck from the diesel testing requirements. The amendment proposed to specify that only diesel-powered motor vehicles identified by certified inspectors as potential violators of the emission opacity standards are subject to testing under the diesel testing program and to require that inspectors be certified pursuant to the procedures for certification specified in the United States Environmental Protection Agency's Reference Method 9.

The amendment proposed to require the Department of Environmental Protection to implement a public education program designed to enhance and facilitate the enforcement of state traffic laws governing automobile inspection

and maintenance requirements. The amendment proposed to allocate from the Highway Fund \$65,868 to the Department of Environmental Protection and \$185,400 to the State Police.

The amendment also proposed to add a fiscal note to the bill. This amendment was not adopted.

House Amendment "C" to Committee Amendment "A" (H-1165) proposed to make a technical change to Committee Amendment "A".

House Amendment "D" to Committee Amendment "A" (H-1168) proposed to change the proposed Diesel-powered Motor Vehicle Emission Opacity Testing Program in the following ways.

It proposed to change the size of diesel-powered motor vehicles subject to the program to those with a gross vehicle weight rating of 26,001 or more pounds.

It proposed to require the Commissioner of Environmental Protection to establish procedures and standards to implement the program within 7 days of the effective date of the legislation.

It proposed to eliminate the punitive aspects of the program, instead requiring the department to give the operator of a vehicle that does not comply with the standards established in the program educational materials describing the benefits of a vehicle that does comply with the program.

It proposed to repeal the program on June 30, 1999.

Enacted law summary

Public Law 1997, chapter 786 amends the State's motor vehicle inspection program to require an enhanced inspection for motor vehicles required to be registered in Cumberland County. The enhanced inspection consists of an inspection of the equipment currently subject to inspection plus a fuel tank cap pressure test on model 1974 and later gasoline-powered vehicles, beginning January 1, 1999, and an inspection of the on-board diagnostic system on 1996 and later vehicles, beginning January 1, 2000.

The law increases the fee for the current inspection to \$6.50 beginning January 1, 1999 and sets the fee for the enhanced inspection at \$9.50 beginning January 1, 1999 and at \$12.50 beginning January 1, 2000 for 1996 and later vehicles only. It increases the fee paid by inspection stations for inspection stickers from \$1 to \$1.50 beginning January 1, 1999.

The law also establishes a one-year roadside diesel-powered motor vehicle emission opacity testing program to be administered by the Department of Environmental Protection in cooperation with the Department of Public Safety. The law requires the Department of Environmental Protection to give educational materials to a person who causes operation of a diesel-powered motor vehicle that does not comply with the program's emission opacity standards.

The law makes operating a motor vehicle that emits visible smoke in the exhaust emissions for a period of 5 or more consecutive seconds a traffic infraction subject to a fine of up to \$100.