

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 969

S. P. 334

In Senate, March 6, 1979

Referred to the Committee on Transportation. Sent down for concurrence and ordered printed.

Presented by Senator Najarian of Cumberland.

MAY M. ROSS, Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Amend the Law Regarding Decibel Levels of Motorcycle Mufflers.

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

29 MRSA § 1364, sub-§§ 1-3 are enacted to read:

1. **Motorcycle noise emission level.** No motorcycle shall be offered for sale, leased or operated in this State on and following the effective date of this subsection that does not contain a muffler with an identification, serial or part number, easily discernible, and that emits a noise exceeding 82 decibels of sound pressure level at 50 feet on the "A" scale, as measured by the SAE standards J-192. The muffler shall contain the model number and model year.

A. Every manufacturer and dealer of motorcycles and motorcycle mufflers shall provide the owner or purchaser of a motorcycle with a certificate bearing the identification, serial or part number, the model number, and model year of the muffler attached to the motorcycle and which states the maximum level in decibels of sound pressure, as required in this subsection, emitted by the muffler. The operator of any motorcycle shall carry the certificate required in this section on his person while operating the motorcycle.

2. **Enforcement of motorcycle noise level.** Any law enforcement officer in uniform, whose duty is to enforce the motor vehicle laws and who has probable cause to believe that a violation of this section has taken or is taking place, may,

at any time, stop a motorcycle for the purpose of ascertaining whether the muffler of the vehicle complies with the requirements of this section. The law enforcement officer shall compare the serial, identification or part number, the model number and the model year on the certificate with the serial identification or part number, the model number and the model year on the muffler to determine whether the maximum noise level is within the range permitted by this section.

3. Penalties. Violation of this section shall incur the penalties provided in this subsection.

A. Any manufacturer or dealer of motorcycles and motorcycle mufflers who sells, leases or otherwise provides motorcycles or motorcycle mufflers that emit a noise exceeding the maximum decibel level commits a civil violation for which a forfeiture of not less than \$50 nor more than \$500 shall be adjudged.

B. Any owner of a motorcycle with a muffler that is not defective, altered or modified in any way and that emits a noise exceeding the maximum decibel level commits a traffic infraction punishable by a fine of not less than \$50 and not more than \$100.

C. Motorcycle models for the years 1979 and earlier shall not be required to meet the noise level requirements of this section except that motorcycle muffler replacements following the effective date of this subsection shall comply with the requirements in this section.

STATEMENT OF FACT

The purpose of this bill is to limit the noise emitted from motorcycles which is very bothersome to the public. All motorcycles sold or leased in this State as of January 1, 1980, will be required to have mufflers that produce a noise not to exceed 82 decibels of sound pressure at 50 feet as measured on the "A" scale of the standard of the Society of Automotive Engineers. The maximum noise level in this bill is the same level in the snowmobile law.

This bill provides for easy enforcement of the maximum noise level. Manufacturers and dealers of motorcycles and motorcycle mufflers are required to provide the owner or purchaser with a certificate that contains a serial, identification or part number for the muffler with a maximum noise level in decibels emitted by the muffler. The muffler is also required to contain a serial or identification number which can be compared with the certificate number.

Motorcycles manufactured prior to 1980 are exempt from the provisions of the bill, except that muffler replacements on these models are not exempted.