

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1592

H.P. 1166 House of Representatives, May 15, 1987  
Submitted by the Department of Environmental Protection  
pursuant to Joint Rule 24.

Reference to the Committee on Energy and Natural  
Resources suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative RIDLEY of Shapleigh.

Cosponsored by Representatives WEBSTER of Cape Elizabeth,  
DEXTER of Kingfield, and Senator GILL of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 AN ACT to Assure the Maintenance of Motor  
2 Vehicle Air Pollution Control Systems.  
3

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

6 29 MRSA §2189, as amended by PL 1985, c. 410, §1,  
7 is repealed and the following enacted in its place:

8 §2189. Maintenance of motor vehicle air pollution  
9 control systems

10 1. Definitions. For the purpose of this section,  
11 "air pollution control system" means any device or  
12 element of design installed on or in any motor vehi-  
13 cle or motor vehicle engine in order to comply with  
14 pollutant emission restrictions established for the  
15 motor vehicle or motor vehicle engine by federal law.

1           2. Prohibitions. The following acts or the caus-  
2 ing of those acts are prohibited:

3           A. For any person to operate a motor vehicle,  
4 except as exempted from inspection under Title  
5 29, section 2506, upon any highway of this State  
6 if any operational element of the air pollution  
7 control system of the vehicle has been removed,  
8 dismantled or otherwise rendered inoperative or  
9 in other than good working order.

10           B. For any person to knowingly remove, dismantle  
11 or otherwise render inoperative any element of  
12 the air pollution control system of a motor vehi-  
13 cle; and

14           C. For any person to transfer ownership of a mo-  
15 tor vehicle unless that vehicle's air pollution  
16 control system is in place and in operating con-  
17 dition.

18           The purchaser of a motor vehicle shall have 14 days  
19 from the date of purchase to void the purchase of the  
20 vehicle if a certified Maine motor vehicle inspection  
21 station documents that any element of the motor  
22 vehicle's air pollution control system is not in  
23 place or in proper operating condition.

24           3. Motor vehicle emissions. No person may cause  
25 or permit a visible emission, excluding water vapor,  
26 from any 1968 or newer model year motor vehicle dur-  
27 ing normal operating periods for more than 20 consec-  
28 utive seconds.

29           4. Enforcement. When any person is convicted of  
30 violating subsection 2, paragraph A, or subsection 3,  
31 the clerk of the court in which the conviction oc-  
32 curred, shall immediately furnish to the Secretary of  
33 State an attested copy of the judgment of conviction  
34 and upon receipt of that copy, the Secretary of State  
35 shall suspend the registration of the motor vehicle  
36 with respect to which violation occurred. The suspen-  
37 sion may be appealed in the manner provided by, and  
38 subject to, section 2242.

39           Unless otherwise ordered by the Superior Court  
40 upon appeal, the suspension shall remain in full

1 force and effect until the Secretary of State has re-  
2 ceived notice from an official inspection station  
3 that all parts and equipment contributing operational  
4 elements of the air pollution control system of that  
5 vehicle have been restored, replaced or repaired and  
6 are in good working order and is in compliance with  
7 subsection 3.

8 Whoever violates subsection 2, paragraph B or C,  
9 shall be guilty of a misdemeanor punishable by a fine  
10 of not less than \$100 nor more than \$2,500.

11 STATEMENT OF FACT

12 This bill prohibits the removal or altering of an  
13 automobile's air pollution control equipment, the  
14 sale of any such tampered vehicle and the excessive  
15 emissions of air contaminants from motor vehicles.

16 This bill affords the consumer protection from  
17 the purchase of a tampered vehicle and assures main-  
18 tenance of all motor vehicle's air pollution control  
19 equipment which results in an improvement in Maine's  
20 air quality.

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