

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
116TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "B" to H.P. 1005, L.D. 1351, Bill, "An Act to Amend the Motor Vehicle Emission Inspection Program"

Amend the bill in section 1 in that part designated "§102-C." in subsection 3 by striking out all of the last 2 sentences (page 1, lines 28 to 30 in L.D.) and inserting in their place the following: 'A violation of this subsection is a traffic infraction for which a forfeiture must be assessed. If the model year of the motor vehicle is 1981 or later, the forfeiture must be \$450. If the model year of the motor vehicle is earlier than 1981, the forfeiture must be \$125.'

Further amend the bill in section 4 in subsection 1 by striking out all of the last 4 lines (page 1, lines 46 to 49 in L.D.) and inserting in their place the following: 'provided in this chapter and have a valid certificate of compliance or waiver before a motor vehicle safety inspection, required under must meet the requirements of Title 29, section 2502, may be conducted.'

Further amend the bill by inserting after section 6 the following:

Sec. 7. 38 MRSA §2402, sub-§4, ¶¶G and H, as enacted by PL 1991, c. 818, §2, are amended to read:

G. A motor vehicle that obtains its power solely by a means other than gasoline, such as diesel fuel, electricity and propane; and

H. Motorcycles and mopeds as defined in Title 29, section 1 and autocycles as defined in the motor vehicle inspection manual adopted by the Department of Transportation; and

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Sec. 8. 38 MRSA §2402, sub-§4, ¶I is enacted to read:

I. A motor vehicle that is driven fewer than 10,000 miles in a 24-month period, if the owner of the vehicle complies with rules establishing a method of administering and verifying this exemption. The board shall adopt such rules and shall consult with the Secretary of State before adopting the rules if the method to be established involves the office of the Secretary of State.'

Further amend the bill by inserting after section 9 the following:

'Sec. 10. 38 MRSA §2408, sub-§2, ¶B, as enacted by PL 1991, c. 818, §2, is repealed.

Further amend the bill by inserting after section 10 the following:

'Sec. 11. Signing of contract prohibited. The Department of Environmental Protection may not sign a contract with any person before July 1, 1994 to operate public emission inspection stations.

Sec. 12. Committee study. A subcommittee of the Joint Standing Committee on Energy and Natural Resources shall investigate the motor vehicle inspection and maintenance program created in the Maine Revised Statutes, Title 38, chapter 28 and rules adopted for that program and shall report to the Joint Standing Committee on Energy and Natural Resources during the Second Regular Session of the 116th Legislature any recommendations that the subcommittee believes would improve the program. The Joint Standing Committee on Energy and Natural Resources may report legislation to the Second Regular Session of the 116th Legislature if the committee determines that revisions to the inspection and maintenance program are desirable. The chairs of the committee shall appoint a 3-member subcommittee to perform this study. Members of the subcommittee are not entitled to per diem or expenses for participation in the study.

Sec. 13. Allocation. The following funds are allocated from the Highway Fund to carry out the purposes of this Act.

1993-94                      1994-95

SECRETARY OF STATE,  
DEPARTMENT OF THE

Administration - Motor Vehicles

COMMITTEE AMENDMENT "B" to H.P. 1005, L.D. 1351

2	Positions	(3.0)	(3.0)
	Personal Services	\$26,352	\$104,665
4	All Other	7,387	46,113
	Capital Expenditures	26,000	

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 8 Provides funds for a Clerk IV  
 position, a Clerk Typist III  
 10 position, a Clerk Typist II  
 position, a project Clerk  
 Typist II position and  
 12 general operating expenses to  
 administer the suspension and  
 14 restoration program.

16 **DEPARTMENT OF THE SECRETARY  
 OF STATE**

18	<b>TOTAL</b>	<u>\$59,739</u>	<u>\$150,778'</u>
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20 Further amend the bill by renumbering the sections to read  
 consecutively.

22 Further amend the bill by inserting at the end before the  
 24 statement of fact the following:

26 **FISCAL NOTE**

28		<b>1993-94</b>	<b>1994-95</b>
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30 **APPROPRIATIONS/ALLOCATIONS**

32	Highway Fund	\$59,739	\$150,778
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34 The Bureau of Motor Vehicles within the Department of the  
 Secretary of State will require additional Highway Fund  
 36 allocations of \$59,739 and \$150,778 in fiscal years 1993-94 and  
 1994-95, respectively, for a Clerk IV position, a Clerk Typist  
 38 III position, a Clerk Typist II position and a project Clerk  
 Typist I position to administer the suspension and restoration  
 40 program due to the denial of vehicle registration pursuant to the  
 federal Clean Air Act Amendments of 1990.

42 The Bureau of Motor Vehicles will receive additional federal  
 44 funds to offset a portion of these Highway Fund costs. The  
 amounts can not be determined at this time.

46 The Department of Environmental Protection may incur some  
 48 minor additional costs to adopt certain rules relating to the  
 motor vehicle emission standards program. These costs can be  
 50 absorbed within the department's existing budgeted resources.

**COMMITTEE AMENDMENT**

2 Exempting certain motor vehicles from testing requirements  
and eliminating the licensing of fleet emission inspection  
4 stations will result in insignificant reductions of dedicated  
revenues to the Department of Environmental Protection.

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8 This bill also establishes a new civil violation. The  
additional workload and administrative costs associated with the  
minimal number of new cases filed in the court system can be  
10 absorbed within the budgeted resources of the Judicial  
Department. The collection of additional fines may increase  
12 General Fund revenues by minor amounts.

14 The Legislature can absorb the costs related to staffing a  
study by a subcommittee of the Joint Standing Committee on Energy  
16 and Natural Resources if the subcommittee meetings are held  
during the interim between legislative sessions.

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22 **STATEMENT OF FACT**

24 This amendment is the minority report of the Joint Standing  
Committee on Energy and Natural Resources. The amendment changes  
26 the penalty for driving a motor vehicle after the Secretary of  
State has suspended the vehicle's registration for failure to  
28 comply with the emissions testing law or to produce a waiver from  
the test. The amendment lowers the penalty amount for pre-1981  
30 model years to correspond to the maximum repair amount for those  
cars under the federal Clean Air Act. The amendment also removes  
language prohibiting the court from suspending the penalty.

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34 The amendment exempts cars driven fewer than 10,000 miles in  
a 24-month period from the testing requirement, prohibits the  
Department of Environmental Protection from signing a contract  
36 for inspection services until July 1, 1994, and requires the  
Joint Standing Committee on Energy and Natural Resources to  
38 examine the inspection program. The amendment also makes  
technical changes to the bill and adds an allocation section and  
40 a fiscal note.

Reported by the Minority of the Committee on Energy and Natural  
Resources  
Reproduced and distributed under the direction of the Clerk of the  
House  
6/2/93 (Filing No. H-538)