

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 639

S.P. 242

In Senate, February 23, 1995

**An Act to Modify the Motor Vehicle Emission Inspection Requirement  
for Vehicle Registration.**

(EMERGENCY)

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

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS  
Secretary of the Senate

Presented by Senator CAREY of Kennebec. (GOVERNOR'S BILL).  
Cosponsored by Senator LORD of York, Representative GOULD of Greenville and  
Representative: JACQUES of Waterville.

2           **Emergency preamble.** Whereas, Acts of the Legislature do not  
become effective until 90 days after adjournment unless enacted  
as emergencies; and

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6           **Whereas,** current law requires that citizens of Maine present  
either a certificate of compliance or a certificate of waiver  
issued under the motor vehicle emission inspection program in  
8 order to register a motor vehicle; and

10           **Whereas,** the United States Environmental Protection Agency  
has advised the State that the agency is changing its  
12 interpretations of the requirements for state compliance with the  
Clean Air Act, including what elements will be necessary for an  
14 acceptable inspection and maintenance program; and

16           **Whereas,** it would be an unfair burden upon the State and its  
citizens to require presentation of these compliance and waiver  
18 certificates for the brief time period from March 1st to May 1st  
if the United States Environmental Protection Agency  
20 significantly changes its interpretation of the inspection and  
maintenance program; and

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24           **Whereas,** in the judgment of the Legislature, these facts  
create an emergency within the meaning of the Constitution of  
Maine and require the following legislation as immediately  
26 necessary for the preservation of the public peace, health and  
safety; now, therefore,

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

32           **Sec. 1. 29-A MRS §403, sub-§1,** as enacted by PL 1993, c. 683,  
Pt. A, §2 and affected by Pt. B, §5, is amended to read:

34           **1. Requirement.** The After May 1, 1995, the owner of a  
motor vehicle registered in any area designated by the Federal  
36 Government pursuant to 40 Code of Federal Regulations, Part 81 as  
nonattainment for ozone and classified as a moderate or a more  
38 severe nonattainment area must present a certificate of  
compliance or waiver, as defined by Title 38, section 2401, at  
40 the time of registration. A certificate of compliance or waiver  
is not required for motor vehicles exempted by Title 38, section  
42 2402.

44           **Emergency clause.** In view of the emergency cited in the  
preamble, this Act takes effect when approved.  
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## FISCAL NOTE

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Deferring the vehicle registration enforcement requirement under the motor vehicle emission testing program will reduce dedicated revenue collected by the Department of Environmental Protection and the Secretary of State. The amounts can not be estimated at this time.

The deferral of this enforcement provision under the motor vehicle testing program may result in the contractor bringing suit against the State for monetary losses incurred as a result of the deferral. If the plaintiff is successful, a General Fund appropriation for the recovery will be necessary. The amount and timing of the appropriation will depend on when the suit is filed and its outcome.

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## STATEMENT OF FACT

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This bill defers the vehicle registration requirement that a citizen present a certificate of compliance or waiver under the motor vehicle emission inspection program in order to allow time for the United States Environmental Protection Agency to clarify the requirements for state compliance with the Clean Air Act, including the inspection and maintenance program.