

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 949

S.P. 344

In Senate, March 21, 1995

**An Act to Study the Design of the Auto Emissions Testing Program and
to Limit the Use of Credits Created by the Program.**

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

A handwritten signature in cursive script, reading "May M. Ross".

MAY M. ROSS
Secretary of the Senate

Presented by Senator McCORMICK of Kennebec.
Cosponsored by Senators: BERUBE of Androscoggin, STEVENS of Androscoggin.

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

4 **Sec. 1. 38 MRSA §2409** is enacted to read:

6 **§2409. Limits on the use of credits**

8 Emission reduction credits created by the testing and repair
10 of motor vehicles pursuant to this chapter may not be used to
12 meet air quality control requirements, unless the value of the
14 credits benefits primarily the owners of motor vehicles subject
16 to testing under this chapter.

18 **Sec. 2. Commission established.** The Commission to Study Design
20 of the Motor Vehicle Emissions Testing Program is created to
22 evaluate methods of testing and repairing motor vehicle emissions
24 control systems in any portion of the State determined by the
26 Legislature to need such testing and repair.

28 **1. Commission membership.** The commission consists of the
30 following 6 members:

32 A. Two members of the Legislature, to be appointed jointly
34 by the President of the Senate and the Speaker of the House
36 of Representatives;

38 B. The Commissioner of Environmental Protection or the
40 commissioner's designee; and

42 C. Three members of the public, to be appointed jointly by
44 the President of the Senate and the Speaker of the House of
46 Representatives. One member must be chosen from a list of
48 persons to be provided by the organization that circulated
50 petitions to repeal the auto emissions testing program. One
 member must be a person with expertise and experience in the
 auto repair industry.

2. Appointments. All appointments must be made no later
 than 30 days after the effective date of this Act. The Executive
 Director of the Legislative Council must be notified by all
 appointing authorities once the selections have been made. When
 the appointment of all members has been completed, the Chair of
 the Legislative Council shall call and convene the first meeting
 of the commission. The President of the Senate and the Speaker
 of the House of Representatives shall select one of the
 legislative members as chair of the commission.

3. Duties. The commission shall:

 A. Examine alternative equipment and methods of measuring
 polluting emissions from motor vehicles, including

decentralized and centralized testing or retesting systems,
hybrid centralized-decentralized systems, remote sensing
devices and the ASM 5015 test program;

B. Evaluate the following factors for each type of
equipment and method:

(1) Convenience to the public;

(2) Reliability of test results;

(3) Cost;

(4) Ability to assure reduction of polluting
emissions; and

(5) Ability to assure effective and cost-efficient
repairs;

C. Communicate with the federal Environmental Protection
Agency to determine whether the use of various types of test
equipment and methods would meet federal Clean Air Act
requirements; and

D. Recommend to the Legislature an effective and
cost-efficient method of testing motor vehicle emissions.

4. Staff assistance. The commission shall request staffing
from the Legislative Council.

5. Reimbursement. The members of the commission who are
Legislators are entitled to the legislative per diem, as defined
in the Maine Revised Statutes, Title 3, section 2, for each day's
attendance at commission meetings. All members are entitled to
expenses, as defined in Title 5, section 12002, upon application
to the Executive Director of the Legislative Council.

6. Report. The commission shall submit its report,
together with necessary implementing legislation, to the Second
Regular Session of the 117th Legislature no later than November
1, 1995.

STATEMENT OF FACT

This bill prohibits the use of emission reduction credits
created by the motor vehicle emissions test and repair program to
meet stationary source reduction requirements, unless the value
of the credits benefits the motor vehicle owners who were subject
to the test.

2 The bill also establishes a study commission to evaluate
various motor vehicle emissions testing methods that may be
4 adopted in Maine as an alternative to the IM240 test that is
currently required under Maine law and rules.