

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

SECOND REGULAR SESSION-1996

Legislative Document

No. 1721

S.P. 661

In Senate, January 16, 1996

**Resolve, to Form a Task Force to Examine Methods of Reimbursing
Automobile Owners for Emissions Testing and Consequent Repair Costs.**

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.
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 CLEVELAND of Androscoggin. (BY REQUEST).
Cosponsored by Representative ADAMS of Portland and
Senator: LORD of York, Representatives: BUCK of Yarmouth, GERRY of Auburn, GREEN
of Monmouth, HATCH of Skowhegan, KONTOS of Windham, LaFOUNTAIN of Biddeford,
LEMAIRE of Lewiston, MITCHELL of Vassalboro, MITCHELL of Portland, ROWE of
Portland, SAMSON of Jay, SHIAH of Bowdoinham, TOWNSEND of Portland, VOLENIK of
Sedgwick, WATSON of Farmingdale, WINGLASS of Auburn.

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,** thousands of motor vehicle owners in this State
paid test fees and incurred repair costs under the auto emissions
testing program, which was required by state law in 7 counties
8 during July and August of 1994; and

10 **Whereas,** the testing mandate was suspended and then
repealed effective April 28, 1995; and

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14 **Whereas,** vehicle owners who complied with the testing
mandate have borne an inequitable burden by paying costs not
imposed upon others in the State; and

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18 **Whereas,** certain vehicle owners may once again be asked to
incur costs if the State is required by federal mandate to test
motor vehicle emissions; and

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22 **Whereas,** it is appropriate to search for ways to reimburse
persons who bore an inequitable burden of costs for the previous
program and to search for possible ways to alleviate the costs of
24 any possible future testing program; and

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Whereas, it is appropriate to resolve these issues in a
timely fashion; and

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30 **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
32 necessary for the preservation of the public peace, health and
safety; now, therefore, be it

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36 **Sec. 1. Creation and charge. Resolved:** That the Task Force to
Provide for Reimbursement of Auto Emissions Testing Costs,
referred to in this resolve as the "task force," is established.
38 The task force is charged to examine methods of reimbursing
vehicle owners for expenses incurred under the repealed auto
emissions testing program and methods of alleviating costs for
40 any possible future testing program; and be it further

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44 **Sec. 2. Membership. Resolved:** That the task force consists
of 9 members as follows:

46 1. Two members of the Senate, appointed by the President of
the Senate;

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2 2. Two members of the House of Representatives, appointed
3 by the Speaker of the House of Representatives;

4 3. A representative of the Department of the Secretary of
5 State, Bureau of Motor Vehicles, appointed by the Secretary of
6 State;

7 4. A representative of the Department of Environmental
8 Protection, Bureau of Air Quality Control, appointed by the
9 Commissioner of Environmental Protection;

10 5. A representative of the Maine Municipal Association,
11 appointed by the President of the association;

12 6. An auto technician who is certified by the National
13 Institute for Automotive Service Excellence, that is, an
14 "ASE-certified" technician, appointed by the Governor; and

15 7. One member of the public, appointed by the Governor.

16 All appointments must be made no later than 30 days
17 following the effective date of this resolve. The appointing
18 authorities shall notify the Executive Director of the
19 Legislative Council upon making their appointments; and be it
20 further

21 **Sec. 3. Convening. Resolved:** That the Chair of the
22 Legislative Council shall call the task force together for its
23 first meeting no later than 30 days after the final appointment
24 has been made; and be it further

25 **Sec. 4. Chair. Resolved:** That the members shall elect a chair
26 from among the membership at the first meeting of the task force;
27 and be it further

28 **Sec. 5. Study subject. Resolved:** That the task force shall
29 explore methods of achieving the following:

30 1. Reimbursing motor vehicle owners who paid one or more
31 test fees to CarTest for auto emissions testing;

32 2. Reimbursing motor vehicle owners who paid for repairs to
33 their vehicles required as a result of failing an auto emissions
34 test pursuant to the Maine Revised Statutes, Title 38, former
35 chapter 28; and

36 3. Alleviating the impact of expenses that may be imposed
37 upon motor vehicle owners as a result of any emissions testing
38 program that may be imposed upon the State or any portion of the
39 State as a result of federal law.

2 The task force may hold 4 meetings to accomplish its
3 objectives. In exploring methods of funding emissions testing
4 costs and reimbursing costs paid for previous testing programs,
5 the task force shall consider all feasible funding mechanisms
6 including mechanisms such as allowing credits or deductions on
7 individual income taxes or vouchers that may be used to pay state
8 taxes on motor vehicles or the state portion of motor vehicle
9 registration or driver license registrations. The task force
10 shall also explore whether funding is available from the
11 environmental justice program within the United States
12 Environmental Protection Agency regarding the effect on elderly
13 and low-income persons. Any method of funding recommended by the
14 task force may not result in shifting of costs to municipalities;
15 and be it further

16 **Sec. 6. Staffing; assistance. Resolved:** That, at the task
17 force's request, the Legislative Council shall provide staffing
18 assistance. The Department of Environmental Protection and the
19 Department of the Secretary of State shall provide information
20 and other assistance as requested by the task force; and be it
21 further

22 **Sec. 7. Compensation. Resolved:** That the legislative members
23 of the task force are entitled to legislative per diem and
24 expenses. Other members who are not state employees are entitled
25 to reimbursement of expenses; and be it further

26 **Sec. 8. Report. Resolved:** That, no later than August 31,
27 1996, the task force shall submit a written report together with
28 any recommended legislation to the joint standing committee of
29 the Legislature having jurisdiction over natural resources
30 matters with a copy to the Executive Director of the Legislative
31 Council. The task force is authorized to submit legislation to
32 the First Regular Session of the 118th Legislature; and be it
33 further

34 **Sec. 9. Funding. Resolved:** That the Legislative Council shall
35 fund the expenses of the task force within existing resources.

36 **Emergency clause.** In view of the emergency cited in the
37 preamble, this resolve takes effect when approved.

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STATEMENT OF FACT

45 This resolve creates a task force to examine methods of
46 reimbursing persons for test fees and repair costs incurred as a
47 result of the auto emissions testing program required by state

2 law in 1994 and repealed in 1995. The task force is also charged
to examine ways to alleviate costs that may be imposed upon motor
4 vehicle owners under any testing program imposed in the future
under requirements of federal law.