

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1286

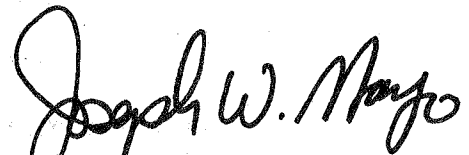
H.P. 939

House of Representatives, February 27, 1997

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

(EMERGENCY)

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


JOSEPH W. MAYO, Clerk

Presented by Representative KONTOS of Windham.

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

4
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repealed effective April 28, 1995; and

12
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

16
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

20
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

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

28
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

34
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

42
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;

- 2 2. Two members of the House of Representatives, appointed
by the Speaker of the House of Representatives;
- 4 3. A representative of the Department of the Secretary of
State, Bureau of Motor Vehicles, appointed by the Secretary of
6 State;
- 8 4. A representative of the Department of Environmental
Protection, Bureau of Air Quality Control, appointed by the
10 Commissioner of Environmental Protection;
- 12 5. A representative of the Maine Municipal Association,
appointed by the President of the Maine Municipal Association;
- 14 6. An auto technician who is certified by the National
16 Institute for Automotive Service Excellence, that is, an
"ASE-certified" technician, appointed by the Governor; and
- 18 7. One member of the public, appointed by the Governor.

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

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

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

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

- 38 1. Reimbursing motor vehicle owners who paid one or more
40 test fees to CarTest for auto emissions testing;
- 42 2. Reimbursing motor vehicle owners who paid for repairs to
their vehicles required as a result of failing an auto emissions
44 test pursuant to the Maine Revised Statutes, Title 38, former
chapter 28; and
- 46 3. Alleviating the impact of expenses that may be imposed
48 upon motor vehicle owners as a result of any emissions testing
program that may be imposed upon the State or any portion of the
50 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
17 **Sec. 6. Staffing; assistance. Resolved:** That, at the task
18 force's request, the Legislative Council shall provide staffing
19 assistance. The Department of Environmental Protection and the
20 Department of the Secretary of State shall provide information
21 and other assistance as requested by the task force; and be it
22 further

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

28
29 **Sec. 8. Report. Resolved:** That, no later than August 31,
30 1997, the task force shall submit a written report together with
31 any recommended legislation to the joint standing committee of
32 the Legislature having jurisdiction over natural resource matters
33 with a copy to the Executive Director of the Legislative
34 Council. The task force is authorized to submit legislation to
35 the Second Regular Session of the 118th Legislature; and be it
36 further

37
38 **Sec. 9. Funding. Resolved:** That the Legislative Council shall
39 fund the expenses of the task force within existing resources.

40
41 **Emergency clause.** In view of the emergency cited in the
42 preamble, this resolve takes effect when approved.

43
44
45 **SUMMARY**

46
47 This resolve creates a task force to examine methods of
48 reimbursing persons for test fees and repair costs incurred as a
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.