

# MAINE STATE LEGISLATURE

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DATE: *March 26, 1998*

(Filing No. S-626 )

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STATE OF MAINE  
SENATE  
118TH LEGISLATURE  
SECOND REGULAR SESSION

SENATE AMENDMENT "A" to H.P. 1594, L.D. 2223, Bill, "An Act to Reduce Air Pollution from Motor Vehicles and to Meet Requirements of the Federal Clean Air Act"

Amend the bill in section 2 in paragraph P (page 1, line 13 in L.D.) by inserting after the following: "models" the following: 'of gasoline-powered vehicles'

Further amend the bill by striking out all of section 3 (page 1, lines 17 to 34 in L.D.) and inserting in its place the following:

'**Sec. 3. 29-A MRSA §1751, sub-§3**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed and the following enacted in its place:

3. Inspection fee. The fee for an inspection performed pursuant to this section may be based on, at the option of the inspection station, the hourly labor rate charged by the inspection station or it may be a flat-rate fee. The official inspection station shall post the hourly labor charge or the flat-rate fee conspicuously beside the station's license.'

Further amend the bill by inserting after section 4 the following:

'**Sec. 5. 29-A MRSA §1756, sub-§2**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**2. Inspection standard for catalytic converter.** ~~Notwithstanding the inspection standards of subsection 1, a~~ A catalytic converter subject to the inspection required by section 1751, subsection 2, paragraph N must meet the rules promulgated

2 adopted by the Chief of the State Police, must function according  
3 to design and must be safely attached or secured to the chassis  
4 or body of the vehicle.'

5 Further amend the bill in section 5 by striking out all of  
6 subsection 6 (page 2, lines 2 to 6 in L.D.) and inserting in its  
7 place the following:

8  
9 '6. Inspection standard for fuel tank cap. In addition to  
10 the standards set forth in subsection 1, a fuel tank cap subject  
11 to the inspection required by section 1751, subsection 2,  
12 paragraph P must be visually inspected to ensure that the cap has  
13 a functional gasket, the threads are not stripped and the cap is  
14 not cracked.'

15 Further amend the bill by striking out all of section 8.

16  
17 Further amend the bill in section 9 in that part designated  
18 "§2113." by striking out all of subsection 2 (page 2, lines 49  
19 and 50 and page 3, lines 1 to 6 in L.D.) and inserting in its  
20 place the following:

21  
22 '2. Violation; penalty. A violation of this section is a  
23 traffic infraction for which a forfeiture not to exceed \$100 may  
24 be adjudged. If repairs are made to the vehicle within 7 days of  
25 the violation and certification from an official inspection  
26 station that the vehicle has been repaired is submitted to the  
27 court prior to the hearing date, the forfeiture must be suspended  
28 by the court. A defendant may submit the certification of  
29 repairs by mail.

30  
31 A person against whom enforcement action has been taken for  
32 a violation of subsection 1 may not be adjudicated to have  
33 committed a subsequent violation of subsection 1 unless 7 days  
34 have elapsed between the date and time of the first violation  
35 indicated on the Violation and Summons Complaint and the  
36 subsequent violation.'

37  
38 Further amend the bill in section 9 in that part designated  
39 "§2114." by striking out all of subsection 2 (page 2, lines 18 to  
40 21 in L.D.) and inserting in its place the following:

41  
42 '2. Diesel-powered motor vehicle. As used in this section,  
43 "diesel-powered motor vehicle" refers only to diesel-powered  
44 motor vehicles that have a gross vehicle weight rating of 10,001  
45 or more pounds and that are used in commerce. "Diesel-powered  
46 motor vehicle" does not include a truck registered as a farm  
47 truck.'

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Further amend the bill in section 9 in that part designated "§2114." in subsection 3 by inserting at the end the following:

'Only diesel-powered motor vehicles identified by certified inspectors as potential violators of the program's emission opacity standards are subject to testing under this section. Inspectors must be certified pursuant to the procedures for certification specified in 40 Code of Federal Regulations, Part 60, Appendix A, Method 9.'

Further amend the bill in section 11 in the 8th line (page 5, line 13 in L.D.) by inserting after the following: "subsections" the following: '5,' and in the 2nd line from the end (page 5, line 15 in L.D.) by inserting after the following: "subsections" the following: '5,'

Further amend the bill by striking out all of sections 12 and 13 and inserting in their place the following:

**'Sec. 12. Public education program.** The Department of Environmental Protection shall establish and implement an ongoing public education program related to air quality. The educational program must be designed to enhance and facilitate the enforcement of state traffic laws governing automobile inspection and maintenance requirements by increasing public awareness of the ozone and air toxics problems in the State related to emissions from mobile sources and promoting measures that achieve the purposes of the automobile inspection and maintenance program.

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

1998-99

**ENVIRONMENTAL PROTECTION,  
DEPARTMENT OF**

**Air Quality**

All Other \$65,868

Allocates funds for public education and operational costs for automobile inspection and maintenance testing in order to facilitate enforcement of state traffic laws governing automobile inspection and maintenance requirements.

**DEPARTMENT OF ENVIRONMENTAL  
PROTECTION**



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2 Increasing the cost of the inspection fee stickers will  
increase Highway Fund revenue by \$254,000 in fiscal year 1998-99  
4 and approximately \$508,000 annually beginning in fiscal year  
1999-2000.

6 This bill includes a Highway Fund allocation of \$185,400 in  
fiscal year 1998-99 for a State Police Sergeant, a State Police  
8 Trooper and general operating expenses to handle the additional  
motor vehicle inspection responsibilities. The estimated future  
10 costs beginning in fiscal year 1999-2000 will be approximately  
\$220,299 annually.

12 This bill also includes a Highway Fund allocation of \$65,868  
14 in fiscal year 1998-99 for the Department of Environmental  
Protection to provide a public education program and to cover  
16 operational costs of automobile inspection and maintenance  
testing. The estimated future costs will be approximately  
18 \$105,090 annually beginning in fiscal year 1999-2000.

20 This bill may increase prosecutions for Class E crimes. If  
a jail sentence is imposed, the additional costs to the counties  
22 are estimated to be \$86.45 per day per prisoner. These costs are  
not reimbursed by the State. The number of prosecutions that may  
24 result in a jail sentence and the resulting costs to the county  
jail system are expected to be insignificant.

26 The additional workload and administrative costs associated  
28 with the minimal number of new cases filed in the court system  
can be absorbed within the budgeted resources of the Judicial  
30 Department. The collection of additional fines may increase  
General Fund revenue by minor amounts.'

32

34

### SUMMARY

36

38 This amendment clarifies that the fuel tank cap is subject  
to inspection only on gasoline-powered vehicles and it specifies  
40 that the visual inspection must ensure that the cap has a  
functional gasket, the threads are not stripped and the cap is  
not cracked. The amendment also requires that beginning on  
42 January 1, 2000, the catalytic converter must be functional as  
well as present and attached. The amendment also allows an  
44 inspection station to set the fee for an inspection.

46 The amendment requires a court to suspend the fine for  
violation of the visible emissions law if repairs are made to the  
48 vehicle within 7 days of the violation.

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2 The amendment defines "diesel-powered motor vehicle," for  
3 purposes of the diesel testing program, as a diesel-powered motor  
4 vehicle that has a gross vehicle weight rating of 10,001 or more  
5 pounds and that is used in commerce. It excludes a truck  
6 registered as a farm truck from the diesel testing requirements.  
7 The amendment specifies that only diesel-powered motor vehicles  
8 identified by certified inspectors as potential violators of the  
9 emission opacity standards are subject to testing under the  
10 diesel testing program and requires that inspectors be certified  
11 pursuant to the procedures for certification specified in the  
12 United States Environmental Protection Agency's Reference Method  
13 9.

14 The amendment requires the Department of Environmental  
15 Protection to implement a public education program designed to  
16 enhance and facilitate the enforcement of state traffic laws  
17 governing automobile inspection and maintenance requirements.  
18 The amendment strikes the section from the bill that credits 20¢  
19 of the inspection sticker fee to the General Fund and it  
20 allocates from the Highway Fund \$65,868 to the Department of  
21 Environmental Protection and \$185,400 to the State Police.  
22

23 This amendment adds a fiscal note to the bill.  
24

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27  
28 SPONSORED BY: William H. Butland  
29 (Senator BUTLAND)

30 COUNTY: Cumberland  
31  
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