

MAINE STATE LEGISLATURE

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L.D. 2223

DATE: April 2, 1998

(Filing No. S-695)

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STATE OF MAINE
SENATE
118TH LEGISLATURE
SECOND SPECIAL SESSION

SENATE AMENDMENT "B" 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 by striking out all of sections 1 and 2 and inserting in their place the following:

'Sec. 1. 29-A MRSA §1751, sub-§2-A is enacted to read:

2-A. Enhanced inspection. Beginning January 1, 1999, a motor vehicle that is required to be registered in Cumberland County and that is subject to inspection pursuant to subsection 1 must have an annual enhanced inspection. The following equipment is subject to inspection:

A. Equipment subject to inspection pursuant to subsection 2;

B. The fuel tank cap on 1974 and subsequent models of gasoline-powered vehicles; and

C. The on-board diagnostic system on 1996 and subsequent models.

A motor vehicle that is not required to be registered in Cumberland County may have an enhanced inspection under this subsection.'

Further amend the bill in section 3 by striking out all of paragraphs B and C and inserting in their place the following:

'B. Beginning January 1, 1999, the fee for an inspection under subsection 2 is \$6.50;

2 C. From January 1, 1999 to December 31, 1999, the fee for
4 an enhanced inspection under subsection 2-A is \$9.50; and

6 D. Beginning January 1, 2000, the fee for an enhanced
8 inspection under subsection 2-A is \$9.50 for each inspection
performed on pre-1996 models and \$12.50 for each inspection
performed on 1996 and subsequent models.'

10 Further amend the bill in section 4 in subsection 4 by
12 striking out the first paragraph (page 1, lines 38 and 39 in
L.D.) and inserting in its place the following:

14 '4. Phase-in. The enhanced inspection required by
16 subsection 2-A must be phased in as follows.'

18 Further amend the bill in section 5 by striking out all of
subsection 6 and inserting in its place the following:

20 '6. Inspection standard for fuel tank cap. Notwithstanding
22 the inspection standards of subsection 1, a fuel tank cap subject
24 to the inspection required by section 1751, subsection 2-A,
26 paragraph B must meet the standards in rules adopted by the Chief
of the State Police. The Chief of the State Police shall adopt
rules to establish procedures and standards for a fuel tank cap
pressure test.'

28 Further amend the bill in section 5 in subsection 7 in the
30 4th line (page 2, line 11 in L.D.) by striking out the following:
"2, paragraph Q" and inserting in its place the following: '2-A,
paragraph C'

32 Further amend the bill by striking out all of section 6

34 Further amend the bill by inserting after section 6 the
36 following:

38 'Sec. 7. 29-A MRSA §1762, sub-§8 is enacted to read:

40 8. Enhanced inspection stations. Beginning January 1,
42 1999, official inspection stations located in Cumberland County
44 shall offer enhanced inspections pursuant to section 1751,
46 subsection 2-A and may not offer inspections pursuant to section
1751, subsection 2. Official inspection stations located outside
of Cumberland County may offer inspections under section 1751,
subsections 2 and 2-A. An inspection station that offers
enhanced inspections shall employ an inspection mechanic
certified to perform enhanced inspections.'

50 Further amend the bill by striking out all of section 8

2 Further amend the bill in section 9 in that part designated
3 "§2114." by striking out subsection 2 and inserting in its place
4 the following:

6 '2. Diesel-powered motor vehicle. As used in this section,
7 "diesel-powered motor vehicle" refers only to diesel-powered
8 motor vehicles that have a gross vehicle weight rating of 10,001
9 or more pounds and that are used in commerce. "Diesel-powered
10 motor vehicle" does not include a truck registered as a farm
11 truck.'

12
13 Further amend the bill in section 9 in that part designated
14 "§2114." in subsection 3 by inserting at the end the following:

16 'Only diesel-powered motor vehicles identified by certified
17 inspectors as potential violators of the program's emission
18 opacity standards are subject to testing under this section.
19 Inspectors must be certified pursuant to the procedures for
20 certification specified in 40 Code of Federal Regulations, Part
21 60, Appendix A, Method 9.'

22
23 Further amend the bill in section 11 by striking out all of
24 the first sentence (page 5, lines 6 to 13 in L.D.) and inserting
25 in its place the following: 'By January 1, 1999, the Chief of the
26 State Police shall amend the rules regarding the certification of
27 inspection mechanics to ensure that all inspection mechanics
28 certified to perform enhanced inspections are knowledgeable about
29 the requirements for motor vehicle inspections under the Maine
30 Revised Statutes, Title 29-A, section 1751, subsection 2-A and
31 section 1756, subsections 6 and 7.'

32
33 Further amend the bill by striking out all of sections 12
34 and 13 inserting in their place the following:

36 **'Sec. 12. Rulemaking; Secretary of State.** The Secretary of
37 State shall adopt rules to establish a procedure for identifying
38 on a certificate of registration those vehicles required to have
39 an enhanced inspection pursuant to the Maine Revised Statutes,
40 Title 29-A, section 1751, subsection 2-A. The rules may require
41 that a certificate of registration contain a statement that a
42 vehicle is registered in Cumberland County or that a vehicle is
43 subject to enhanced inspection. These rules are routine
44 technical rules under Title 5, chapter 375, subchapter II-A.'

46 **Sec. 13. Public education program.** The Department of
47 Environmental Protection shall establish and implement an ongoing
48 public education program in Cumberland County related to air
49 quality. The education program must be designed to enhance and
50 facilitate the enforcement of state traffic laws governing

2.4.8.

2 automobile inspection and maintenance requirements by increasing
3 public awareness of the ozone and air toxics problems in the
4 State related to emissions from mobile sources and promoting
5 measures that achieve the purposes of the automobile inspection
6 and maintenance program.

7 **Sec. 14. Report.** The Department of Environmental Protection
8 and the Department of Public Safety shall jointly evaluate the
9 enhanced inspection program required by this Act, including the
10 following: the status of the program, compliance with the
11 program, enforcement of the program and air quality benefits from
12 the program. The Department of Environmental Protection and the
13 Department of Public Safety shall submit a joint report to the
14 joint standing committee of the Legislature having jurisdiction
15 over natural resources matters by January 1, 2000 that includes
16 the findings of the evaluation and any recommendations for
17 expanding the enhanced inspection program statewide.

18 **Sec. 15. Report; inspection fee.** The Department of Public Safety
19 shall study and report by January 1, 1999 to the joint standing
20 committee of the Legislature having jurisdiction over
21 transportation matters on the fee for motor vehicle inspections
22 and enhanced inspections required under the Maine Revised
23 Statutes, Title 29-A, section 1751. The department shall
24 consider the following issues: funding for implementation of the
25 inspection program; and whether the inspection fee should be
26 market-driven, whether a market-driven fee should be based on an
27 hourly labor rate or a flat-rate fee and whether there should be
28 a cap on such a fee. The department shall make a recommendation
29 on whether the inspection fees established in Title 29-A, section
30 1751, subsection 3 should be replaced with a market-driven fee.

31 The joint standing committee of the Legislature having
32 jurisdiction over transportation matters may report out
33 legislation to the First Regular Session of the 119th Legislature
34 regarding the inspection fee and funding of the inspection
35 program.

36 **Sec. 16. Allocation.** The following funds are allocated from
37 the Highway Fund to carry out the purposes of this Act.

38		1998-99
39		
40	ENVIRONMENTAL PROTECTION,	
41	DEPARTMENT OF	
42	Air Quality	
43		
44	All Other	\$22,645

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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
TOTAL**

\$22,645

**PUBLIC SAFETY, DEPARTMENT OF
State Police Motor Vehicle Inspection**

Positions - Legislative Count	(2,000)
Personal Services	\$72,235
All Other	61,165
Capital Expenditures	52,000

Allocates funds for a State Police Sergeant position and one State Police Trooper position, operational support and equipment to implement the motor vehicle inspection program.

**DEPARTMENT OF PUBLIC SAFETY
TOTAL**

\$185,400

TOTAL ALLOCATIONS

\$208,045

Sec. 17. Effective date. That section of this Act that amends the Maine Revised Statutes, Title 29-A, section 1766, subsection 3 takes effect on January 1, 1999.'

Further amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

Further amend the bill by inserting at the end before the summary the following:

RWS

FISCAL NOTE

2

1998-99

4

APPROPRIATIONS/ALLOCATIONS

6

Highway Fund \$208,045

8

10 REVENUES

12

Highway Fund \$254,000

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

20

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

26

28 This bill also includes a Highway Fund allocation of \$22,645
in fiscal year 1998-99 for the Department of Environmental
Protection to provide a public education program and to cover
operational costs of automobile inspection and maintenance
testing. The estimated future costs will be approximately
\$36,160 annually beginning in fiscal year 1999-2000.

34

36 The additional costs associated with studying and reporting
on the fee for motor vehicle inspections and funding of the
inspection program can be absorbed by the Department of Public
Safety utilizing existing budgeted resources.

38

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

46

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

50

SUMMARY

This amendment amends the State's motor vehicle inspection program to require an enhanced inspection for motor vehicles required to be registered in Cumberland County. The enhanced inspection consists of an inspection of the equipment currently subject to inspection plus a fuel tank cap pressure test on model 1974 and later gasoline-powered vehicles, beginning January 1, 1999, and an inspection of the on-board diagnostic system on 1996 and later vehicles, beginning January 1, 2000. The amendment requires the State Police to adopt rules to establish procedures and standards for a fuel tank cap pressure test.

The amendment increases the fee for the current inspection to \$6.50 beginning January 1, 1999 and sets the fee for the enhanced inspection at \$9.50 beginning January 1, 1999 and at \$12.50 beginning January 1, 2000 for 1996 and later vehicles only. It retains the section in the bill that increases the fee paid by inspection stations for inspection stickers from \$1 to \$1.50 beginning January 1, 1999, and it strikes the section from the bill that credits 20% of the inspection sticker fee to the General Fund.

The amendment requires all inspection stations in Cumberland County to offer the enhanced inspection only and permits inspection stations outside of Cumberland County to offer both the current inspection and the enhanced inspection. It requires an inspection station that offers enhanced inspections to employ an inspection mechanic certified to perform enhanced inspections.

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

The amendment requires the Department of Environmental Protection to implement a public education program in Cumberland County designed to enhance and facilitate the enforcement of state traffic laws governing automobile inspection and maintenance requirements. It requires the Department of

SENATE AMENDMENT "B" to H.P. 1594, L.D. 2223

208

2 Environmental Protection and the Department of Public Safety to
3 report jointly to the joint standing committee of the Legislature
4 having jurisdiction over natural resources matters by January 1,
5 2000 regarding an evaluation of the enhanced inspection program
6 and any recommendations for expanding the enhanced inspection
7 program statewide. It also requires the Department of Public
8 Safety to report to the joint standing committee of the
9 Legislature having jurisdiction over transportation matters on
10 issues related to the motor vehicle inspection fee and funding of
11 the inspection program.

12

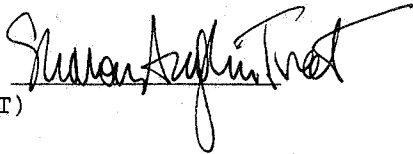
13 The amendment allocates from the Highway Fund \$22,645 to the
14 Department of Environmental Protection and \$185,400 to the State
15 Police.

16

17 The amendment also adds a fiscal note to the bill.

18

20

SPONSORED BY: 
(Senator TREAT)

22

24

COUNTY: Kennebec

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