

MAINE STATE LEGISLATURE

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M
R.S.

L.D. 1082

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DATE: May 4, 1999

(Filing No. S-184)

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NATURAL RESOURCES

Reported by:

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**STATE OF MAINE
SENATE
119TH LEGISLATURE
FIRST REGULAR SESSION**

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COMMITTEE AMENDMENT "A" to S.P. 381, L.D. 1082, Bill, "An
Act to Reauthorize and Amend the Diesel-powered Motor Vehicle
Emission Opacity Testing Program"

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Amend the bill in section 1 in that part designated "**§2114.**"
in subsection 2 in the 4th line (page 1, line 34 in L.D.) by
striking out the following: "and that are used in commerce"

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Further amend the bill in section 1 in that part designated
"**§2114.**" in subsection 3 by striking out all of the first
paragraph (page 1, lines 38 to 44 in L.D.) and inserting in its
place the following:

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'3. **Testing and repair requirement; penalties.** A person
who causes operation of a diesel-powered motor vehicle shall
comply with the requirements of the program, including emission
opacity standards and testing and repair requirements. Owners or
operators of diesel-powered motor vehicles that have failed
opacity standards for the first time have 30 days from the date
that the operator was notified of the failure of the test to
certify to the department that repairs were made to bring the
vehicle into compliance with the opacity standards established
pursuant to this section. If certification is not made within 30
days, then owners or operators are assessed a \$250 fine for the
first violation; 2nd or subsequent violations are assessed a \$500
fine. A person may not be found in violation of this section
until after January 1, 2000.'

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Further amend the bill in section 1 in that part designated
"**§2114.**" in subsection 4 in paragraph C in the last line (page 2,
line 27 in L.D.) by striking out the following: "; and" and
inserting in its place the following: '; and'

COMMITTEE AMENDMENT "A" to S.P. 381, L.D. 1082

2 Further amend the bill in section 1 in that part designated
"§2114." in subsection 4 in paragraph D in the last line (page 2,
4 line 30 in L.D.) by striking out the following: "repairs." and
inserting in its place the following: 'repairs+; and'

6 Further amend the bill in section 1 in that part designated
8 "§2114." in subsection 4 by inserting after paragraph D the
following:

10 'E. Standards and procedures for the enforcement of
12 violations and the monitoring and certification of repairs made
to bring a vehicle into compliance pursuant to this section.'

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

18 **FISCAL NOTE**

20 The Governor's proposed "current services" Highway Fund
22 budget includes \$6,905 and \$7,618 in fiscal years 1999-00 and
2000-01, respectively, for the continuation of the Diesel-powered
24 Motor Vehicle Emission Opacity Testing Program within the
Department of Environmental Protection.

26 The Department of Environmental Protection will incur some
28 minor additional costs to administer an expanded program for
noncommercial vehicles and to modify certain rules. These costs
30 can be absorbed within the department's existing budgeted
resources.

32 This bill may increase the number of traffic infractions
34 filed in the court system. The additional workload and
administrative costs associated with the minimal number of new
36 cases filed can be absorbed within the budgeted resources of the
Judicial Department. The collection of additional fines may also
38 increase General Fund revenue by minor amounts.'

40 **SUMMARY**

42 This amendment does the following.

44 1. It expands the Diesel-powered Motor Vehicle Emission
Opacity Testing Program to noncommercial vehicles.

46 2. It gives owners or operators of vehicles that violate
48 operating standards for the first offense 30 days to make repairs
to bring vehicles into compliance.

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COMMITTEE AMENDMENT "A" to S.P. 381, L.D. 1082

2 3. It increases the fine for the initial violation to \$250.

4 4. It expands the rule-making authority of the department
to include procedures for enforcement of the opacity testing
6 program.

8 5. It changes the effective date of the penalty provisions
to January 1, 2000.

10 6. It adds a fiscal note to the bill.