

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)



119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1082

S.P. 381

In Senate, February 9, 1999

**An Act to Reauthorize and Amend the Diesel-powered Motor Vehicle
Emission Opacity Testing Program.**

(EMERGENCY)

Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.
Reference to the Committee on Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator TREAT of Kennebec.
Cosponsored by Representative ETNIER of Harpswell.

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

4
6 **Whereas,** it is important that this Act takes effect before
the diesel-powered motor vehicle emission opacity testing program
is repealed on June 30, 1999, which may be before the expiration
8 of the 90-day period; and

10 **Whereas,** in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
12 Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
14 safety; now, therefore,

16 **Be it enacted by the People of the State of Maine as follows:**

18 **Sec. 1. 29-A MRSA §2114,** as enacted by PL 1997, c. 786, §7,
is amended to read:

20 **§2114. Diesel-powered Motor Vehicle Emission**
22 **Opacity Testing Program**

24 **1. Program established.** The Diesel-powered Motor Vehicle
Emission Opacity Testing Program, referred to in this section as
26 the "program," is established within the Department of
Environmental Protection. The Department of Environmental
28 Protection shall administer the program in cooperation with the
Department of Public Safety.

30 **2. Diesel-powered motor vehicle.** As used in this section,
32 "diesel-powered motor vehicle" refers only to diesel-powered
motor vehicles that have a gross vehicle weight rating of 26,001
34 18,000 or more pounds and that are used in commerce.
"Diesel-powered motor vehicle" does not include a truck
36 registered as a farm truck.

38 **3. Testing and repair requirement.** A person who causes
operation of a diesel-powered motor vehicle shall comply with the
40 requirements of the program, including emission opacity standards
and testing and repair requirements. Diesel-powered motor
42 vehicles that fail the opacity standards are assessed a \$100 fine
for the first violation and fines not greater than \$500 for 2nd
44 and subsequent violations.

46 Only diesel-powered motor vehicles identified by certified
inspectors as potential violators of the program's emission
48 opacity standards are subject to testing under this section.
Inspectors must be certified pursuant to the procedures for

2 certification specified in 40 Code of Federal Regulations, Part
60, Appendix A, Method 9.

4 **4. Standards and procedures.** The Commissioner Board of
6 Environmental Protection shall adopt rules, which are routine
8 technical rules pursuant to Title 5, chapter 375, subchapter
II-A, that establish standards and procedures to implement
must include the following:

10 A. Emission opacity standards for diesel-powered motor
12 vehicles that are consistent with emission opacity standards
14 for diesel-powered motor vehicles recommended by an
interstate association of air quality control divisions in
the northeast states;

16 B. Standards and procedures, including testing methods and
18 standards for test equipment, for safe and effective
20 roadside testing of diesel-powered motor vehicles that
operate on public ways of the State for the purpose of
enforcing compliance with emission opacity standards;

22 C. Standards and procedures for the administration and
24 enforcement of the program. The rules may establish
26 reciprocity agreements with other states that recognize
enforcement actions related to diesel-powered motor vehicle
testing programs in other states; and

28 D. Repair requirements and standards and procedures for
30 certification of repairs.

32 **5. Educational program.** A person who causes operation of a
34 diesel-powered motor vehicle that does not comply with the
program's emission opacity standards must be given educational
36 materials by the Department of Environmental Protection regarding
the environmental and other benefits of a vehicle that is in
compliance with the standards set forth in subsection 4.

38 ~~6. Implementation. The Department of Environmental~~
40 ~~Protection shall implement the program no later than 7 days~~
42 ~~following the effective date of this section. An operator of a~~
44 ~~diesel-powered motor vehicle that does not comply with the~~
~~program's emission opacity standards is not subject to penalties.~~

46 **7. Definition.** As used in this section, "opacity" means
48 the degree of light-obscuring capability of emissions of visible
air contaminants expressed as a percentage. Complete obscuration
must be expressed as 100% opacity.

