

MAINE STATE LEGISLATURE

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Date: 3/17/8

(Filing No. H- 765)

NATURAL RESOURCES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
123RD LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “*A*” to H.P. 1440, L.D. 2056, Bill, “An Act To Conserve Gasoline and Preserve Clean Air”

Amend the bill by striking out all of section 1 and inserting the following:

‘Sec. 1. 38 MRSA §585-K is enacted to read:

§585-K. Idling requirements for motor vehicles

1. Applicability. This section applies to:

- A. Commercial motor vehicles, as defined in 49 Code of Federal Regulations, Section 390.5 (2007);
- B. Locations where commercial motor vehicles load or unload; and
- C. Gasoline-powered motor vehicles except private passenger vehicles.

2. General requirement for loading and unloading locations. To the maximum extent practicable, a person who owns a location where a commercial motor vehicle that is not subject to an exemption under subsection 4 loads or unloads shall minimize delays in loading and unloading operations in order to reduce idling times.

3. General requirement for vehicles. An owner or operator of a commercial motor vehicle may not cause or permit such a vehicle to idle for more than 5 minutes in any 60-minute period except as provided in subsection 4. An owner or operator of a gasoline-powered motor vehicle, except a private passenger vehicle, may not cause or permit such a vehicle to idle for more than 5 minutes in any 60-minute period except as provided in subsection 4.

4. Exemptions. Subsection 3 does not apply for the period or periods when:

- A. A motor vehicle idles while forced to remain motionless because of traffic or an official traffic control device or signal or at the direction of a law enforcement official;

COMMITTEE AMENDMENT

R. O. S.

COMMITTEE AMENDMENT "A" to H.P. 1440, L.D. 2056

- 1 B. A motor vehicle idles when operating a defroster, heater, air conditioner or
2 installing equipment solely to prevent a safety or health emergency and not as part of
3 a rest period;
- 4 C. A police, fire, ambulance, public safety, military or other emergency or law
5 enforcement vehicle idles while being used in the course of official business;
- 6 D. The primary propulsion engine idles for maintenance, servicing, repair or
7 diagnostic purposes if idling is required for such an activity;
- 8 E. A motor vehicle idles as part of a state or federal inspection to verify that all
9 equipment is in good working order if idling is required as part of the inspection;
- 10 F. Idling of the primary propulsion engine is necessary to power work-related
11 mechanical or electrical operations other than propulsion, including, but not limited
12 to, mixing, dumping or processing cargo, straight truck refrigeration or to protect
13 prescription or over-the-counter drug products. This exemption does not apply when
14 idling for cabin comfort or to operate nonessential on-board equipment;
- 15 G. A utility vehicle idles during electric utility service restoration operations or when
16 needed to protect temperature-sensitive electrical testing equipment;
- 17 H. An armored vehicle idles when a person remains inside the vehicle to guard the
18 contents or the vehicle is being loaded or unloaded;
- 19 I. An occupied commercial motor vehicle with a sleeper berth compartment idles for
20 purposes of air conditioning or heating during a rest or sleep period;
- 21 J. An occupied commercial motor vehicle idles for purposes of air conditioning or
22 heating while waiting to load or unload;
- 23 K. A passenger bus idles a maximum of 15 minutes in any 60-minute period to
24 maintain passenger comfort while nondriver passengers are on board;
- 25 L. A motor vehicle idles due to mechanical difficulties over which the operator has
26 no control if the vehicle owner submits the repair paperwork or product receipt by
27 mail within 30 days to the appropriate authority verifying that the mechanical
28 problem has been fixed. If no repair paperwork is submitted within 30 days, the
29 vehicle owner is subject to penalties as provided in subsection 5;
- 30 M. A motor vehicle idles for not longer than an additional 15 minutes beyond the
31 limit imposed in subsection 3 to operate heating equipment when the ambient air
32 temperature is 32 degrees Fahrenheit or below; or
- 33 N. A motor vehicle idles as needed for the purpose of providing heat when the
34 ambient air temperature is below 0 degrees Fahrenheit.
- 35 **5. Penalties.** A person who violates this section is subject to the following penalties.
- 36 A. A person who violates this section commits a traffic infraction under Title 29-A,
37 chapter 23, subchapter 6.
- 38 B. A vehicle operator who violates this section after having previously violated this
39 section commits a civil violation for which a fine of \$150 must be adjudged. A
40 vehicle owner or a person who owns a location where a commercial motor vehicle

1 loads or unloads who violates this section after having previously violated this
2 section commits a civil violation for which a fine of \$500 must be adjudged.'

3 **SUMMARY**

4 This amendment expands the application of the idling requirements and exemptions
5 to include all commercial motor vehicles, not only diesel-powered. The amendment also:

6 1. Amends the general requirement for loading and unloading locations to require
7 that, to the maximum extent practicable, a person who owns a location where a
8 commercial motor vehicle, not subject to an exemption, loads or unloads must minimize
9 delays in loading and unloading operations in order to reduce idling times;

10 2. Amends the exemption for emergency vehicles;

11 3. Creates an exemption for a utility vehicle idling during electric utility service
12 restoration operations or when needed to protect temperature-sensitive electrical testing
13 equipment;

14 4. Amends the exemption for idling when the temperature is 32 degrees Fahrenheit
15 or below;

16 5. Creates an exemption for idling for the purpose of providing heat when the
17 temperature is below 0 degrees Fahrenheit; and

18 6. Amends the penalty provisions to provide that a violation of the requirements of
19 the law is a traffic infraction under the Maine Revised Statutes, Title 29-A, chapter 23,
20 subchapter 6.

21 **FISCAL NOTE REQUIRED**

22 (See attached)



123rd MAINE LEGISLATURE

LD 2056

LR 2775(02)

An Act To Conserve Gasoline and Preserve Clean Air

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Natural Resources

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

Establishes new traffic violation. The collection of additional fines may also increase General Fund revenue by minor amounts.

Fiscal Detail and Notes

Additional costs associated with this legislation can be absorbed by the Department of Environmental Protection utilizing existing budgeted resources.