

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

SECOND REGULAR SESSION-2008

Legislative Document

No. 2056

H.P. 1440

House of Representatives, December 21, 2007

An Act To Conserve Gasoline and Preserve Clean Air

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 19, 2007. Referred to the Committee on Natural Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative HINCK of Portland.

Cosponsored by Representatives: BERRY of Bowdoinham, CONOVER of Oakland, Speaker CUMMINGS of Portland, DILL of Cape Elizabeth, FAIRCLOTH of Bangor, FITTS of Pittsfield, KOFFMAN of Bar Harbor, Senator: BARTLETT of Cumberland.

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

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

3 **§585-K. Idling requirements for motor vehicles**

4 **1. Applicability.** This section applies to:

5 A. Diesel-powered commercial motor vehicles, as defined in 49 Code of Federal
6 Regulations, Section 390.5 (2007);

7 B. Locations where diesel-powered commercial motor vehicles load or unload; and

8 C. Gasoline-powered motor vehicles except private passenger vehicles.

9 **2. General requirement for loading and unloading locations.** A person who owns
10 a location where a diesel-powered commercial motor vehicle loads or unloads may not
11 cause such a vehicle to idle for a period longer than 30 minutes while waiting to load or
12 unload at that location.

13 **3. General requirement for vehicles.** An owner or operator of a diesel-powered
14 commercial motor vehicle may not cause or permit such a vehicle to idle for more than 5
15 minutes in any 60-minute period except as provided in subsection 4 and except as
16 provided in subsection 2 in the case of a location where such a vehicle loads or unloads.
17 An owner or operator of a gasoline-powered motor vehicle, except a private passenger
18 vehicle, may not cause or permit such a vehicle to idle for more than 5 minutes in any 60-
19 minute period except as provided in subsection 4.

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

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

24 B. A motor vehicle idles when operating a defroster, heater, air conditioner or
25 installing equipment solely to prevent a safety or health emergency, and not as part of
26 a rest period;

27 C. A police, fire, ambulance, public safety, military or other emergency or law
28 enforcement vehicle, or any vehicle being used in an emergency capacity, idles while
29 in an emergency or training mode and not for the convenience of the vehicle
30 operator;

31 D. The primary propulsion engine idles for maintenance, servicing, repair or
32 diagnostic purposes if idling is required for such activity;

33 E. A motor vehicle idles as part of a state or federal inspection to verify that all
34 equipment is in good working order if idling is required as part of the inspection;

35 F. Idling of the primary propulsion engine is necessary to power work-related
36 mechanical or electrical operations other than propulsion, including, but not limited
37 to, mixing, dumping, processing cargo or straight truck refrigeration. This exemption

1 does not apply when idling for cabin comfort or to operate nonessential on-board
2 equipment;

3 G. An armored vehicle idles when a person remains inside the vehicle to guard the
4 contents or the vehicle is being loaded or unloaded;

5 H. An occupied diesel-powered commercial motor vehicle with a sleeper berth
6 compartment idles for purposes of air conditioning or heating during a rest or sleep
7 period;

8 I. An occupied diesel-powered commercial motor vehicle idles for purposes of air
9 conditioning or heating while waiting to load or unload;

10 J. A passenger bus idles a maximum of 15 minutes in any 60-minute period to
11 maintain passenger comfort while nondriver passengers are on board;

12 K. A motor vehicle idles due to mechanical difficulties over which the operator has
13 no control if the vehicle owner submits the repair paperwork or product receipt by
14 mail within 30 days to the appropriate authority verifying that the mechanical
15 problem has been fixed. If no repair paperwork is submitted within 30 days, the
16 vehicle owner is subject to penalties as provided in subsection 5; or

17 L. A motor vehicle idles for not longer than an additional 5 minutes beyond the limit
18 imposed in subsection 3 to operate heating equipment when the ambient air
19 temperature is 32 degrees Fahrenheit or below.

20 **5. Penalties.** A person who violates this section commits a civil violation for which
21 the following penalties may be adjudged.

22 A. A person who violates this section must be issued a warning.

23 B. A vehicle operator who violates this section after having previously violated this
24 section commits a civil violation for which a fine of \$150 must be adjudged. A
25 vehicle owner or a person who owns a location where a diesel-powered commercial
26 motor vehicle loads or unloads who violates this section after having previously
27 violated this section commits a civil violation for which a fine of \$500 must be
28 adjudged.

29 **SUMMARY**

30 This bill sets limits on idling of motor vehicles. It provides that a person who owns a
31 location where a diesel-powered commercial motor vehicle loads or unloads may not
32 cause such a vehicle to idle for a period longer than 30 minutes while waiting to load or
33 unload at that location. It provides that an owner or operator of a diesel-powered
34 commercial motor vehicle may not cause or permit such a vehicle to idle for more than 5
35 minutes in any 60-minute period, subject to certain exemptions, such as while waiting to
36 load or unload a vehicle. It provides that an owner or operator of a gasoline-powered
37 motor vehicle, except a private passenger vehicle, may not cause or permit such a vehicle
38 to idle for more than 5 minutes in any 60-minute period, subject to certain exceptions. It
39 requires a warning to be issued for a first violation and a fine to be adjudged for a
40 subsequent violation.