

MAINE STATE LEGISLATURE

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SMY
R. ORS.

L.D. 477

Date: 4/29/11

Majority

(Filing No. H-144)

TRANSPORTATION

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 370, L.D. 477, Bill, "An Act To Reduce Noise Pollution by Requiring Mufflers on Motorcycles"

Amend the bill by striking out the title and substituting the following:

'An Act Relating to Noise Violations by Motor Vehicles, Including Motorcycles'

Amend the bill by striking out everything after the title and before the summary and inserting the following:

'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this Act provides a defense for mufflers or exhaust systems of motor vehicles and motorcycles to violations of excessive or unusual noise; and

Whereas, it is important to enact this law immediately as motorcycle traffic is at its peak during the spring and summer months and the effective date of this legislative session's enacted laws will likely occur in late summer or early fall; and

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

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

Sec. 1. 29-A MRSA §1912, sub-§6, as amended by PL 2005, c. 314, §11, is repealed and the following enacted in its place:

6. Defense for noise violations by motor vehicles and motorcycles. The following are defenses to a violation of subsection 1 or 3.

A. If a muffler or exhaust system of a motor vehicle as defined in section 101, subsection 42, not including a motorcycle, does not emit noise in excess of 95 decibels as measured in accordance with standards and specifications outlined in

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1 standard J-1169 adopted by the Society of Automotive Engineers in May 1998,
2 subsections 1 and 3 do not apply. A person served with a Violation Summons and
3 Complaint charging a violation of subsection 1 or 3 must provide satisfactory
4 evidence that the muffler or exhaust system does not emit noise in excess of 95
5 decibels as measured in accordance with standards and specifications outlined in
6 standard J-1169 adopted by the Society of Automotive Engineers in May 1998.
7 Measurements must be made by a participating certified inspection station.

8 B. Subsections 1 and 3 do not apply to a muffler or exhaust system of a motorcycle
9 that does not emit noise, as measured in accordance with standards and specifications
10 outlined in standard J-2825 adopted by the Society of Automotive Engineers in May
11 2009, in excess of 92 decibels at an idle and emits noise that does not measure:

12 (1) More than 96 decibels using the set RPM test or swept RPM test for an
13 engine configuration other than a 3-cylinder or 4-cylinder engine configuration;
14 or

15 (2) More than 100 decibels using the set RPM test or swept RPM test for a
16 3-cylinder or 4-cylinder engine configuration.

17 A person served with a Violation Summons and Complaint charging a violation of
18 subsection 1 or 3 must provide satisfactory evidence that the muffler or exhaust
19 system does not exceed decibel levels as described in this paragraph. Measurements
20 must be made by a participating certified inspection station.

21 **Emergency clause.** In view of the emergency cited in the preamble, this
22 legislation takes effect when approved.'

23 **SUMMARY**

24 This amendment strikes and replaces the bill, which requires motorcycles to be
25 equipped with certain mufflers approved by the United States Environmental Protection
26 Agency. Current law provides a defense for owners of motor vehicles charged with
27 violations of excessive and unusual noise under the Maine Revised Statutes, Title 29-A,
28 section 1912, subsections 1 and 3, except that the defense does not apply to motorcycles.
29 This amendment makes technical changes to this provision of law and provides a defense
30 for motorcycles. This amendment also adds an emergency preamble and emergency
31 clause.

32 **FISCAL NOTE REQUIRED**

33
34 (See attached)
35



Approved: 04/27/11 *mac*

125th MAINE LEGISLATURE

LD 477

LR 1125(02)

An Act To Reduce Noise Pollution by Requiring Mufflers on Motorcycles

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

Committee: Transportation

Fiscal Note Required: Yes

Fiscal Note

Minor savings - General Fund

Minor revenue decrease - General Fund

Correctional and Judicial Impact Statements

Decreases the number of traffic violations

A reduction in fines will decrease General Fund revenue by minor amounts.