

# MAINE STATE LEGISLATURE

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# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 28

S.P. 17

In Senate, January 15, 2013

### An Act To Reduce Air Pollution from Trains

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Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator GERZOFKY of Cumberland.  
Cosponsored by Representative DION of Portland and  
Senators: COLLINS of York, CRAVEN of Androscoggin, DUTREMBLE of York, HASKELL  
of Cumberland, HILL of York, MAZUREK of Knox, Representatives: GIDEON of Freeport,  
PRIEST of Brunswick.

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

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

3 **§585-M. Diesel-powered locomotives**

4 **1. Pollution prohibition.** An owner or operator of a diesel-powered locomotive  
5 may not operate the locomotive or allow the locomotive to be operated in a manner that  
6 causes or contributes to air pollution in the State.

7 **2. Idling prohibition.** An owner or operator of a diesel-powered locomotive may  
8 not cause or allow the foreseeably unnecessary idling of the locomotive for a continuous  
9 period longer than 30 minutes. This subsection does not apply to a diesel-powered  
10 locomotive being serviced if the idling is essential to the proper repair of the locomotive  
11 and the idling does not cause or contribute to air pollution in the State.

12 **3. Rulemaking.** The department shall adopt routine technical rules as defined in  
13 Title 5, chapter 375, subchapter 2-A as necessary to implement this section.

14 **Sec. 2. Contingent effective date; state implementation plan.** The  
15 Department of Environmental Protection shall submit to the United States Environmental  
16 Protection Agency a revision to the state implementation plan, as required in the federal  
17 Clean Air Act, Section 110, 42 United States Code, Section 7410, that incorporates the  
18 provisions of the Maine Revised Statutes, Title 38, section 585-M. Upon approval by the  
19 United States Environmental Protection Agency of the revision, the Department of  
20 Environmental Protection shall inform the Secretary of State and the Revisor of Statutes.  
21 Title 38, section 585-M takes effect 30 days after such notice.

22 **SUMMARY**

23 The bill prohibits the operation of diesel-powered locomotives in a manner that  
24 causes or contributes to air pollution in the State and prohibits the unnecessary idling of  
25 diesel-powered locomotives for longer than 30 minutes. It also directs the Department of  
26 Environmental Protection to submit to the United States Environmental Protection  
27 Agency a revision to the state implementation plan that incorporates these provisions, and  
28 delays the prohibition until 30 days after notification from the department that the United  
29 States Environmental Protection Agency has approved the revision.