

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 918

H.P. 642

House of Representatives, March 7, 2013

**An Act To Remove the Provision That a Motorcycle Operator May
Prove a Motorcycle Muffler Does Not Exceed Specific Noise
Standards**

Reference to the Committee on Transportation suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative GILBERT of Jay.
Cosponsored by Senator SAVIELLO of Franklin and
Representatives: JONES of Freedom, KNIGHT of Livermore Falls, LIBBY of Lewiston,
WILLETTE of Mapleton, Senator: MAZUREK of Knox.

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

2 **Sec. 1. 29-A MRS §1912, sub-§6**, as repealed and replaced by PL 2011, c. 158,
3 §1, is amended to read:

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

6 A. If a muffler or exhaust system of a motor vehicle as defined in section 101,
7 subsection 42, not including a motorcycle, does not emit noise in excess of 95
8 decibels as measured in accordance with standards and specifications outlined in
9 standard J-1169 adopted by the Society of Automotive Engineers in May 1998,
10 subsections 1 and 3 do not apply. A person served with a Violation Summons and
11 Complaint charging a violation of subsection 1 or 3 must provide satisfactory
12 evidence that the muffler or exhaust system does not emit noise in excess of 95
13 decibels as measured in accordance with standards and specifications outlined in
14 standard J-1169 adopted by the Society of Automotive Engineers in May 1998.
15 Measurements must be made by a participating certified inspection station.

16 ~~B. Subsections 1 and 3 do not apply to a muffler or exhaust system of a motorcycle~~
17 ~~that does not emit noise, as measured in accordance with standards and specifications~~
18 ~~outlined in standard J-2825 adopted by the Society of Automotive Engineers in May~~
19 ~~2009, in excess of 92 decibels at an idle and emits noise that does not measure:~~

20 ~~(1) More than 96 decibels using the set RPM test or swept RPM test for an~~
21 ~~engine configuration other than a 3 cylinder or 4 cylinder engine configuration;~~
22 ~~or~~

23 ~~(2) More than 100 decibels using the set RPM test or swept RPM test for a~~
24 ~~3 cylinder or 4 cylinder engine configuration.~~

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

29 **SUMMARY**

30 Current law prohibits the operation of a motor vehicle that is not equipped with an
31 adequate muffler properly maintained to prevent excessive or unusual noise, which
32 includes noise emitted by a motor vehicle that is noticeably louder than similar vehicles
33 in the environment, or that is equipped with a muffler that has been modified to amplify
34 or increase the noise emitted by the muffler above the original muffler. Motorcycles are
35 exempt if the muffler or exhaust system does not emit noise in excess of 92 decibels
36 measured according to a specific standard. The burden of proving that the motorcycle is
37 in compliance is on the operator of the motorcycle.

38 This bill repeals that exemption for motorcycles.