

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

**THIRD SPECIAL SESSION**

October 1, 1992 to October 6, 1992

**FOURTH SPECIAL SESSION**

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

**FIRST REGULAR SESSION**

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 13, 1993

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Company  
Augusta, Maine  
1993

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**1993**

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**Sec. 12. Effective date.** That section of this Act that enacts the Maine Revised Statutes, Title 29, section 1369-A, subsection 5, paragraph G takes effect January 1, 1994.

See title page for effective date, unless otherwise indicated.

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## CHAPTER 418

### H.P. 1005 - L.D. 1351

#### An Act to Amend the Motor Vehicle Emission Inspection Program

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

**Sec. 1. 29 MRSA §102-C** is enacted to read:

**§102-C. Motor vehicle emission inspection requirement for vehicle registration**

**1. Requirement.** The owner of a motor vehicle registered in any area designated by the Federal Government pursuant to 40 Code of Federal Regulations, Part 81 as nonattainment for ozone and classified as moderate or more severe nonattainment area must present a certificate of compliance or waiver, as defined by Title 38, section 2401, at the time of registration. A certificate of compliance or waiver is not required for motor vehicles exempted by Title 38, section 2402.

**2. Suspension.** If the owner of a motor vehicle subject to the requirement of subsection 1 fails to present a certificate of compliance or waiver, the Secretary of State shall suspend the registration certificate and plates for that motor vehicle. The suspension must continue until the owner of the motor vehicle presents a certificate of compliance or waiver to the Secretary of State or an authorized agent.

**3. Penalty.** The owner of a motor vehicle with a registration certificate and plates suspended pursuant to subsection 2 may not permit that motor vehicle to be operated on a public way or parking area. A violation of this subsection is a traffic infraction for which a forfeiture must be assessed. If the model year of the motor vehicle is 1981 or later, the forfeiture must be \$450. If the model year of the motor vehicle is earlier than 1981, the forfeiture must be \$125.

**Sec. 2. 29 MRSA §2502, sub-§5,** as enacted by PL 1991, c. 818, §1, is repealed.

**Sec. 3. 38 MRSA §2401, sub-§4,** as enacted by PL 1991, c. 818, §2, is repealed.

**Sec. 4. 38 MRSA §2402, sub-§1,** as enacted by PL 1991, c. 818, §2, is amended to read:

**1. Requirement.** After July 1, 1994, each motor vehicle registered in any area designated by the Federal Government under 40 Code of Federal Regulations, Part 81 as nonattainment for ozone and classified as a moderate or more severe nonattainment area must be inspected biennially for air pollution emissions as provided in this chapter and ~~have a valid certificate of compliance or waiver before a motor vehicle safety inspection, required under~~ must meet the requirements of Title 29, section 2502, ~~may be conducted.~~

**Sec. 5. 38 MRSA §2402, sub-§2,** as enacted by PL 1991, c. 818, §2, is amended to read:

**2. Location of inspection.** The inspection must take place at a public or fleet emission inspection station.

**Sec. 6. 38 MRSA §2402, sub-§3,** as enacted by PL 1991, c. 818, §2, is repealed.

**Sec. 7. 38 MRSA §2402, sub-§4, ¶¶G and H,** as enacted by PL 1991, c. 818, §2, are amended to read:

G. A motor vehicle that obtains its power solely by a means other than gasoline, such as diesel fuel, electricity and propane; ~~and~~

H. Motorcycles and mopeds as defined in Title 29, section 1 and autocycles as defined in the motor vehicle inspection manual adopted by the Department of Transportation; ~~and~~

**Sec. 8. 38 MRSA §2402, sub-§4, ¶I** is enacted to read:

I. A motor vehicle that is driven fewer than 10,000 miles in a 24-month period, if the owner of the vehicle complies with rules establishing a method of administering and verifying this exemption. The board shall adopt such rules and shall consult with the Secretary of State before adopting the rules if the method to be established involves the office of the Secretary of State.

**Sec. 9. 38 MRSA §2403, sub-§1, ¶C,** as enacted by PL 1991, c. 818, §2, is repealed.

**Sec. 10. 38 MRSA §2403, sub-§3,** as enacted by PL 1991, c. 818, §2, is amended to read:

**3. Certificate of waiver.** A contractor operating a public emission inspection station shall issue a certificate of waiver for a vehicle, ~~including a fleet vehicle,~~ that fails to pass the designated emission standard upon an initial inspection and after repair or adjustment again fails to pass the emission inspection if:

A. A low emission adjustment is performed on the vehicle; and

B. ~~Either the estimated cost of repairs and adjustment necessary to bring the vehicle into compliance with emission standards or the actual~~ The cost of repairs already performed on the vehicle in accordance with the inspection report under section 2404, subsection 3 exceeds the repair cost limit as specified in subsection 4.

**Sec. 11. 38 MRSA §2405**, as enacted by PL 1991, c. 818, §2, is repealed.

**Sec. 12. 38 MRSA §2407, sub-§1**, as enacted by PL 1991, c. 818, §2, is amended to read:

**1. Amount.** The board shall establish by rule an inspection fee to cover the cost of the inspection of a motor vehicle at a public emission inspection station, the cost of services rendered as part of the contract entered under section 2404, subsection 2 and the administrative costs of the department. The inspection fee may not exceed ~~\$36~~ \$24 per vehicle.

**Sec. 13. 38 MRSA §2408, sub-§2, ¶B**, as enacted by PL 1991, c. 818, §2, is repealed.

**Sec. 14. Report.** By January 15, 1996, the Commissioner of Environmental Protection shall report to the joint standing committee of the Legislature having jurisdiction over natural resources matters as to whether the motor vehicle emission inspection and maintenance program with the low-mileage waiver established under the Maine Revised Statutes, Title 38, section 2402, subsection 4, paragraph I meets the requirements of the Federal Clean Air Act, as amended.

**Sec. 15. On-road testing.** The Department of Environmental Protection has the authority to conduct on-road emissions testing of motor vehicles for the purpose of determining compliance with this Act. The owner or operator of a motor vehicle failing an on-road emissions test is required to report to a public emission inspection station for an off-cycle emission inspection within 30 days of notification. Failure to submit to an off-cycle inspection and comply with the requirements of this Act results in the suspension of registration by the Secretary of State. The suspension may be appealed in the manner provided by and subject to the provisions of the Maine Revised Statutes, Title 29, section 2242.

Unless otherwise ordered by the Superior Court upon appeal, the suspension remains in full force and effect until the Secretary of State has been provided with evidence indicating compliance with the requirements of this Act.

**Sec. 16. Allocation.** The following funds are allocated from the Highway Fund to carry out the purposes of this Act.

1993-94 1994-95

**SECRETARY OF STATE,  
DEPARTMENT OF THE**

**Administration - Motor Vehicles**

Positions	(3,0)	(3,0)
Personal Services	\$26,352	\$104,665
All Other	7,387	46,113
Capital Expenditures	26,000	

Provides funds for a Clerk IV position, a Clerk Typist III position, a Clerk Typist II position, a project Clerk Typist II position and general operating expenses to administer the suspension and restoration program. The Department of Environmental Protection shall reimburse the Highway Fund on an annual basis for all costs associated with this program.

**DEPARTMENT OF THE  
SECRETARY OF STATE  
TOTAL**

\$59,739 \$150,778

See title page for effective date.

**CHAPTER 419**

**S.P. 369 - L.D. 1126**

**An Act to Provide Additional Funding for the Department of Inland Fisheries and Wildlife and the Atlantic Sea-Run Salmon Commission through Increased License Fees**

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

**Sec. 1. 12 MRSA §6255, sub-§3**, as repealed and replaced by PL 1985, c. 703, §3, is amended to read:

**3. License fees.** The commission shall issue an Atlantic salmon license to fish for Atlantic salmon in inland and coastal waters of the State designated in subsection 2.

A. The fee for an Atlantic salmon license is \$10 for 1993 and \$15 for 1994 and every year thereafter for any resident.

B. The fee for an Atlantic salmon license for any nonresident is as follows:

(1) For any nonresident 16 years of age or older, \$30 for 1993 and \$40 for 1994 and every year thereafter;