

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

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

**AS PASSED BY THE**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 7, 1998 to March 31, 1998**

**SECOND SPECIAL SESSION**  
**April 1, 1998 to April 9, 1998**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 30, 1998**

**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 9, 1998**

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

---

---

**J.S. McCarthy Company**  
**Augusta, Maine**  
**1997**

**Sec. 2. Task Force on Intergovernmental Cooperation, legislative membership.** When the Legislature receives notice from the Director of the State Planning Office that the Task Force on Intergovernmental Cooperation has been established through the execution of a memorandum of agreement subscribed to by the Governor, by the Maine County Commissioners' Association and by the Maine Municipal Association, 4 members from the Legislature must be appointed to serve on the task force, as follows:

1. Two members of the Senate, one of whom is from the minority party, appointed by the President of the Senate; and

2. Two members of the House of Representatives, one of whom is from the minority party, appointed by the Speaker of the House.

**Sec. 3. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1998-99

**LEGISLATURE**

**Task Force on Intergovernmental Cooperation**

Personal Services	\$1,320
All Other	1,200

Provides funds for the per diem and expenses of legislative members of the Task Force on Intergovernmental Cooperation. These funds may not be made available for per diem or expenses for nonlegislative members of the task force.

<b>LEGISLATURE TOTAL</b>	\$2,520
--------------------------	---------

See title page for effective date.

**CHAPTER 786**

**H.P. 1594 - L.D. 2223**

**An Act to Reduce Air Pollution from Motor Vehicles and to Meet Requirements of the Federal Clean Air Act**

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

**Sec. 1. 29-A MRSA §1751, sub-§2-A** is enacted to read:

**2-A. Enhanced inspection.** Beginning January 1, 1999, a motor vehicle that is required to be registered in Cumberland County and that is subject to inspection pursuant to subsection 1 must have an annual enhanced inspection. The following equipment is subject to inspection:

A. Equipment subject to inspection pursuant to subsection 2;

B. The fuel tank cap on 1974 and subsequent models of gasoline-powered vehicles; and

C. The on-board diagnostic system on 1996 and subsequent models.

A motor vehicle that is not required to be registered in Cumberland County may have an enhanced inspection under this subsection.

**Sec. 2. 29-A MRSA §1751, sub-§3,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**3. Inspection fee.** The inspection fee is \$6 for each inspection and is payable whether the vehicle passes inspection or not, as follows:

A. Before January 1, 1999, the fee is \$6;

B. Beginning January 1, 1999, the fee for an inspection under subsection 2 is \$6.50;

C. From January 1, 1999 to December 31, 1999, the fee for an enhanced inspection under subsection 2-A is \$9.50; and

D. Beginning January 1, 2000, the fee for an enhanced inspection under subsection 2-A is \$9.50 for each inspection performed on pre-1996 models and \$12.50 for each inspection performed on 1996 and subsequent models.

The inspection fee is payable whether the vehicle passes inspection or not.

**Sec. 3. 29-A MRSA §1751, sub-§4** is enacted to read:

**4. Implementation.** The enhanced inspection required by subsection 2-A must be implemented as follows.

A. The fuel tank cap is subject to inspection beginning January 1, 1999.

B. The on-board diagnostic system is subject to inspection beginning January 1, 2000. A motor vehicle may not fail inspection for failure to meet the inspection standard for the on-board diagnostic system until January 1, 2001.

**Sec. 4. 29-A MRSA §1756, sub-§§6 and 7** are enacted to read:

**6. Inspection standard for fuel tank cap.** Notwithstanding the inspection standards of subsection 1, a fuel tank cap subject to the inspection required by section 1751, subsection 2-A, paragraph B must meet the standards in rules adopted by the Chief of the State Police. The Chief of the State Police shall adopt rules to establish procedures and standards for a fuel tank cap pressure test.

**7. Inspection standard for on-board diagnostic system.** Notwithstanding the inspection standards of subsection 1, an on-board diagnostic system subject to the inspection required by section 1751, subsection 2-A, paragraph C must meet the standards in rules adopted by the Chief of the State Police. The Chief of the State Police shall adopt rules that meet the requirements of 40 Code of Federal Regulations, Part 85 for on-board diagnostic test procedures, standards and equipment.

**Sec. 5. 29-A MRSA §1762, sub-§8** is enacted to read:

**8. Enhanced inspection stations.** Beginning January 1, 1999, official inspection stations located in Cumberland County shall offer enhanced inspections pursuant to section 1751, subsection 2-A and may not offer inspections pursuant to section 1751, subsection 2. Official inspection stations located outside of Cumberland County may offer inspections under section 1751, subsections 2 and 2-A. An inspection station that offers enhanced inspections shall employ an inspection mechanic certified to perform enhanced inspections.

**Sec. 6. 29-A MRSA §1766, sub-§3**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**3. Fee.** Stickers are furnished by the Chief of the State Police at \$4 \$1.50 each.

**Sec. 7. 29-A MRSA §§2113 and 2114** are enacted to read:

**§2113. Visible emissions**

**1. Prohibition.** A person may not operate a gasoline-powered motor vehicle on a public way if the motor vehicle emits visible smoke, other than water vapor, in the exhaust emissions for a period in excess of 5 consecutive seconds.

**2. Violation; penalty.** A violation of this section is a traffic infraction for which a forfeiture not to exceed \$100 may be adjudged. A person against whom enforcement action has been taken for a violation of subsection 1 may not be adjudicated to have committed a subsequent violation of subsection 1 unless 24 hours have elapsed between the date and time of the first violation indicated on the Violation and Summons Complaint and the subsequent violation.

**§2114. Diesel-powered Motor Vehicle Emission Opacity Testing Program**

**1. Program established.** The Diesel-powered Motor Vehicle Emission Opacity Testing Program, referred to in this section as the "program," is established within the Department of Environmental Protection. The Department of Environmental Protection shall administer the program in cooperation with the Department of Public Safety.

**2. Diesel-powered motor vehicle.** As used in this section, "diesel-powered motor vehicle" refers only to diesel-powered motor vehicles that have a gross vehicle weight rating of 26,001 or more pounds and that are used in commerce. "Diesel-powered motor vehicle" does not include a truck registered as a farm truck.

**3. Testing and repair requirement.** A person who causes operation of a diesel-powered motor vehicle shall comply with the requirements of the program, including emission opacity standards and testing and repair requirements.

Only diesel-powered motor vehicles identified by certified inspectors as potential violators of the program's emission opacity standards are subject to testing under this section. Inspectors must be certified pursuant to the procedures for certification specified in 40 Code of Federal Regulations, Part 60, Appendix A, Method 9.

**4. Standards and procedures.** The Commissioner of Environmental Protection shall establish standards and procedures to implement the program.

The standards and procedures must include the following:

A. Emission opacity standards for diesel-powered motor vehicles that are consistent with emission opacity standards for diesel-powered motor vehicles recommended by an interstate association of air quality control divisions in the northeast states;

B. Standards and procedures, including testing methods and standards for test equipment, for safe and effective roadside testing of diesel-powered motor vehicles that operate on public ways of the State for the purpose of enforcing compliance with emission opacity standards;

C. Standards and procedures for the administration and enforcement of the program. The rules may establish reciprocity agreements with other states that recognize enforcement actions related to diesel-powered motor vehicle testing programs in other states; and

D. Repair requirements and standards and procedures for certification of repairs.

**5. Educational program.** A person who causes operation of a diesel-powered motor vehicle that does not comply with the program's emission opacity standards must be given educational materials by the Department of Environmental Protection regarding the environmental and other benefits of a vehicle that is in compliance with the standards set forth in subsection 4.

**6. Implementation.** The Department of Environmental Protection shall implement the program no later than 7 days following the effective date of this section. An operator of a diesel-powered motor vehicle that does not comply with the program's emission opacity standards is not subject to penalties.

As used in this section, "opacity" means the degree of light-obscuring capability of emissions of visible air contaminants expressed as a percentage. Complete obscuration must be expressed as 100% opacity.

This section is repealed June 30, 1999.

**Sec. 8. 38 MRS-A §585-G** is enacted to read:

**§585-G. Motor vehicle inspection and maintenance program requirement**

The department shall submit to the United States Environmental Protection Agency a revision to the state implementation plan, required in the federal Clean Air Act, Section 110, 42 United States Code, Section 7410, that incorporates the motor vehicle inspection program under Title 29-A, chapter 15,

subchapter 1, to meet the requirement for a vehicle emission control inspection and maintenance program in the federal Clean Air Act, Section 184, 42 United States Code, Section 7511c.

**Sec. 9. Certification of inspection mechanics.** By January 1, 1999, the Chief of the State Police shall amend the rules regarding the certification of inspection mechanics to ensure that all inspection mechanics certified to perform enhanced inspections are knowledgeable about the requirements for motor vehicle inspections under the Maine Revised Statutes, Title 29-A, section 1751, subsection 2-A and section 1756, subsections 6 and 7. Notwithstanding Title 29-A, section 1769, these rules and rules adopted pursuant to Title 29-A, section 1756, subsections 6 and 7 are routine technical rules and are not subject to review by the Legislature.

**Sec. 10. Rulemaking; Secretary of State.** The Secretary of State shall adopt rules to establish a procedure for identifying on a certificate of registration those vehicles required to have an enhanced inspection pursuant to the Maine Revised Statutes, Title 29-A, section 1751, subsection 2-A. The rules may require that a certificate of registration contain a statement that a vehicle is registered in Cumberland County or that a vehicle is subject to enhanced inspection. These rules are routine technical rules under Title 5, chapter 375, subchapter II-A.

**Sec. 11. Public education program.** The Department of Environmental Protection shall establish and implement an ongoing public education program in Cumberland County related to air quality. The education program must be designed to enhance and facilitate the enforcement of state traffic laws governing automobile inspection and maintenance requirements by increasing public awareness of the ozone and air toxics problems in the State related to emissions from mobile sources and promoting measures that achieve the purposes of the automobile inspection and maintenance program.

**Sec. 12. Report.** The Department of Environmental Protection and the Department of Public Safety shall jointly evaluate the enhanced inspection program required by this Act, including the following: the status of the program, compliance with the program, enforcement of the program and air quality benefits from the program. The Department of Environmental Protection and the Department of Public Safety shall submit a joint report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 1, 2000 that includes the findings of the evaluation and any recommendations for expanding the enhanced inspection program statewide.

**Sec. 13. Allocation.** The following funds are allocated from the Highway Fund to carry out the purposes of this Act.

29-A, section 1766, subsection 3 takes effect on January 1, 1999.

See title page for effective date, unless otherwise indicated.

**1998-99**

**ENVIRONMENTAL PROTECTION, DEPARTMENT OF**

**Air Quality**

All Other \$33,500

Allocates funds for the establishment of a one-year pilot diesel testing program, for the establishment of an education program and for certain operational costs of automobile inspection and maintenance testing.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION TOTAL**

\$33,500

**PUBLIC SAFETY, DEPARTMENT OF**

**Motor Vehicle Inspection**

Positions - Legislative Count (2,000)  
 Personal Services \$72,235  
 All Other 61,165  
 Capital Expenditures 52,000

Allocates funds for a State Police Sergeant and one State Police Trooper, operational support and equipment to implement the motor vehicle inspection program.

**DEPARTMENT OF PUBLIC SAFETY TOTAL**

\$185,400

**TOTAL ALLOCATIONS**

\$218,900

**Sec. 14. Effective date.** That section of this Act that amends the Maine Revised Statutes, Title

---



---

**CHAPTER 787**  
**H.P. 1622 - L.D. 2252**  
**An Act to Implement the Recommendations of the Governor's Commission on School Facilities**

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

**Whereas,** Members of the Joint Standing Committee on Education and Cultural Affairs during both the 117th Legislature and the 118th Legislature have forged partnerships with the Department of Education, the State Board of Education and other interested parties to address the growing needs of many communities across the State that continue to struggle with unmet school construction needs due to growing student populations, overcrowded schools and the significant increase in the use of portable leased classrooms to meet urgent space needs, inadequate facilities to meet the demands of modern educational programs, strained local budgets that have deferred the maintenance of existing school facilities and limited state contributions to support school construction costs; and

**Whereas,** conditions existing in certain public schools resulting in a serious inability to provide appropriate educational programs and services consistently throughout the State constitute an immediate threat to the health, safety and general welfare of the citizens of the State; and

**Whereas,** the Governor's Commission on School Facilities has conducted a comprehensive review to determine the true scope of local school construction needs throughout the State and has prepared a sensible and feasible plan for public financing to meet current and future school construction needs; and