

# MAINE STATE LEGISLATURE

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DEPUTY CHIEF

Senator Collins, Representative Cebra and members of the Joint Standing Committee on Transportation.

My name is Lt. Brian Scott and I am here on behalf of the Department of Public Safety and the Maine State Police to report back on LD 1675, "An Act to Reduce Noise Caused by Motorcycles and Improve Public Health."

Motorcycle exhaust noise has been an issue that has come before this Committee several times. The issues, implications, and proposed solutions have varied widely. This Committee passed LD 1642 and LD 1675 during the last session resulting in a couple of law changes. One law change has provided clarifying language as to what "excessive or unusual noise" (29-A S. 1912) is and the other law change (29-A S. 1758) will require that motorcycles display an inspection sticker effective January 1, 2012. LD 1675 also directed the Department of Public Safety, Bureau of State Police to convene a working group to study the issues relating to motorcycle exhaust noise.

The Motorcycle Exhaust Noise Working Group was well represented by a broad range of individuals and organizations including members from local and county law enforcement, the Maine Motor Transport Association, the Maine Department of Environmental Protection, Senator Nancy Sullivan (the Bill's sponsor), the Bureau of Motor Vehicles, the State Police, Maine Citizens Against Loud Motorcycles, several members of the motorcycle industry along with several special interest groups such as Maine Custom Auto Association, National Street Rod Association, Maine Motorcycle Political Action Committee and the United Bikers of Maine.

As directed, the group investigated the Society of Automotive Engineers Standard J2825, "Measurement of Exhaust Sound Pressure Levels of Stationary On-Highway Motorcycles." Although the proper use a sound decibel meter to determine the noise emitted by the exhaust provides an objective, quantifiable, repeatable result there were several concerns noted by the study group mostly associated with the cost and required resources:

1. Police Departments would have to purchase the decibel meters at a cost of \$400.00 to \$4,000.00 each depending on the make and quality.
2. Field calibrators would also be necessary.
3. Officers would have to be trained to use the equipment.
4. Two officers would be needed to safely conduct the test.
5. Electronic hand held tachometers would be necessary for motorcycles that are not equipped with tachometers or have defective tachometers.
6. Depending on how the law change was structured Inspection Stations could be required to buy the equipment to make sure that they were not passing a motorcycle for inspection that was louder than the law permits.

The group also researched the feasibility of incorporating the United States Environmental Protection Agency's matched emission label standards into state law. The general idea being that since 1983 motorcycles have been required by federal law to have a label attached to the frame and a matching label/stamp somewhere on the exhaust indicating that the exhaust effectively reduced engine noise to the standards set by the EPA. So basically if an officer had a legal reason to stop the motorcycle the officer could simply check to see if the exhaust had a stamp on it that matched the label on the frame. If the stamp was missing or the exhaust had been tampered with the motorcycle would be in violation and appropriate enforcement action could be taken.

The group noted several areas of concern:

1. Most aftermarket exhausts do not have this stamp, which would limit the choices available to a motorcycle owner needing a replacement exhaust, basically forcing them to buy OEM (original equipment manufacturer) only at considerably higher cost.
2. Anecdotally it is believed that there are several motorcycles, up to 60 or 70% that currently pass Maine's Safety Inspection with exhausts that are not considered to be loud, yet do not have the stamp on the exhaust. Although these motorcycles are not part of the issue at hand they would become illegal since they do not have an EPA stamp.<sup>1</sup>
3. A 2008/2009 survey conducted at 4 motorcycle dealerships in New York of 76 stock (non-modified) motorcycles produced interesting results:
  - 43 had stamps that were not readily visible, 16 of which could not be found at all and several that were covered by saddle bags, fenders, tires, heat shields, and other items that would have to be removed to see the stamp and many that were very difficult to read due to the color of the exhaust, powder coating or road grime.

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<sup>1</sup> This information was obtained by asking two different inspection stations how many motorcycles they would estimate have aftermarket exhausts that do not have an EPA stamp on them. One of the stations is a large central Maine dealer who actually notes each exhaust that the motorcycle is equipped with at the time of inspection.

- 33 did have stamps that were readily visible as far as location, but some of these were barely legible due to light stamping or coloring of the exhaust.
  - None complied with the color contrast requirements.
  - Although this was not a scientific study by a known organization the group saw several photos of the motorcycles contained within the survey and found the survey to have merit.
4. A member of the board owns a stock motorcycle and the stamp on his exhaust cannot be located.
  5. Another member of the board, a Harley Davidson Service Manager / Inspection Mechanic, verified that the stamps, even under ideal conditions, are sometimes very hard to locate if you do not know where to look and that some can not be seen without partially dismantling the motorcycle. He offered an opinion that an officer in the field would have a difficult time finding many of these stamps due to their location.

The group also contemplated the statute change requiring motorcycles to display an inspection sticker beginning next January and believes this will have an impact in reducing motorcycle exhaust noise for Maine registered motorcycles, but will not help with the out of state motorcyclists that visit our state. Many complaints of loud motorcycles originate from the southern Maine coastal communities where there is a huge influx of motorcycle traffic from tourists.

The Motorcycle Exhaust Noise Working Group was a large, diverse group with varying opinions on how to best resolve the issue of excessive motorcycle exhaust noise. Due to this a common consensus could not be attained, however the group has two recommendations for the Committee to consider:

1. Take a similar approach that the Road Noise Working Group did and wait and see if the recent changes in statute coupled with the educational and enforcement campaigns continue to further reduce motorcycle exhaust noise; or
2. Change Title 29-A Section 1912 to allow the SAE J2825 sound testing procedure to be used as an option for determining what "excessive or unusual noise" is, but not require that it be used exclusively. Please see attached recommended language from the group.

On behalf of the Department of Public Safety and the Maine State Police, I thank you for your time and would be happy to answer any questions that you might have.

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**Public Law**  
124th Legislature  
Second Regular Session

**Chapter 624**  
**S.P. 647 - L.D. 1675**

**An Act To Reduce Noise Caused by  
Motorcycles and Improve Public Health**

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

**Sec. 1. 29-A MRSA §1758, sub-§2**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**2. Without windshield.** If the vehicle is not normally equipped with a windshield, the certificate of inspection must be kept with the registration certificate of the vehicle. This subsection does not apply to motorcycles.

**Sec. 2. 29-A MRSA §1758, sub-§3** is enacted to read:

**3. Motorcycles; proof of inspection.** If a motorcycle meets the inspection standard, upon payment of applicable inspection fees pursuant to section 1751, subsection 3A a valid certificate of inspection and an official inspection sticker for the motorcycle must be issued. The certificate of inspection must be kept with the registration certificate of the motorcycle and the official inspection sticker must be affixed to the rear of the motorcycle:

A. On a mounting plate that must be securely fastened to the motorcycle frame or similar integral component of the motorcycle; or

B. On a rear fender or similar frame or integral body part of the motorcycle.

The official inspection sticker must be located so that it is completely and clearly visible from the rear of the motorcycle and may not be affixed to the registration plate.

**Sec. 3. Working group; motorcycle noise.** The Department of Public Safety, Bureau of State Police shall convene a working group to study issues relating to motorcycle noise. The working group must include, but is not limited to, representatives from affected citizen groups, local municipalities, the motorcycle industry, motorcycle enthusiast groups and local law enforcement agencies. The working group shall investigate and research industry sound testing standards, particularly the Society of Automotive Engineers Standard J2825, "Measurement of Exhaust Sound Pressure Levels of Stationary On-Highway Motorcycles," and the feasibility of incorporating United States Environmental Protection Agency noise emission labeling standards into state law. The report of the

working group must include an analysis of motorcycle safety inspections and a requirement that an inspection sticker be displayed visibly on the motorcycle. The Bureau of State Police shall report to the joint standing committee of the Legislature having jurisdiction over transportation matters, with findings and recommendations, no later than January 15, 2011.

**Sec. 4. Effective date.** Those sections of this Act that amend the Maine Revised Statutes, Title 29A, section 1758 take effect January 1, 2012.

See title page for effective date, unless otherwise indicated.