



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 477

H.P. 370

House of Representatives, February 10, 2011

**An Act To Reduce Noise Pollution by Requiring Mufflers on
Motorcycles**

Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative RUSSELL of Portland.

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

2 **Sec. 1. 29-A MRSA §1912-A** is enacted to read:

3 **§1912-A. Motorcycle exhaust systems**

4 **1. Exhaust mufflers.** A person may not operate a motorcycle manufactured after
5 December 31, 1982 unless it is equipped with an exhaust muffler bearing the federal
6 Environmental Protection Agency-required labeling applicable to the motorcycle's model
7 year in accordance with 40 Code of Federal Regulations, Part 205, Subparts D and E.

8 **2. Penalty.** A person who violates this section commits a traffic infraction for which
9 a fine of not less than \$500 for the first offense, not less than \$750 for a 2nd offense and
10 not less than \$999 for a 3rd or subsequent offense may be adjudged, except that if the
11 person presents proof that the motorcycle has been brought into compliance with this
12 section within 15 days after the citation, excluding Saturdays, Sundays and holidays, the
13 court shall impose the fine as follows:

14 **A. For the first offense:**

15 **(1) If the person does not commit a violation of this section within one year after**
16 **the citation, the court shall waive the fine; or**

17 **(2) If the person commits a violation of this section within one year after the**
18 **citation, the court shall impose the full amount of the fine;**

19 **B. For a 2nd offense:**

20 **(1) If the person does not commit a violation of this section within one year after**
21 **the citation, the fine is \$250; or**

22 **(2) If the person commits a violation of this section within one year after the**
23 **citation, the court shall impose the full amount of the fine; and**

24 **C. For a 3rd offense:**

25 **(1) If the person does not commit a violation of this section within one year after**
26 **the citation, the fine is \$499; or**

27 **(2) If the person commits a violation of this section within one year after the**
28 **citation, the court shall impose the full amount of the fine.**

29 **SUMMARY**

30 This bill requires that all motorcycles manufactured after 1982 must be equipped with
31 an exhaust muffler bearing the federal Environmental Protection Agency-required
32 labeling applicable to the motorcycles' model year. This bill provides that a person who
33 violates the requirement may be subject to a fine of at least \$500 for the first offense,
34 \$750 for a 2nd offense and \$999 for a 3rd or subsequent offense. The bill also provides
35 that the fines may be reduced if a person brings the motorcycle into compliance within 15
36 business days after the citation and does not commit another violation within a year.