



James Libby, Ph.D.
Senator, District 22

THE MAINE SENATE
131st Legislature

3 State House Station
Augusta, Maine 04333

**Testimony of Senator James D. Libby
Sponsor of L.D. 369, "An Act to Allow Repurposed Military Vehicles to Be Registered and
Operated on Maine Roads"**

Public Hearing, Tuesday, March 20, 2023
Cross Building, Room 220

Senator Chipman, Representative Williams, and esteemed members of the Joint Standing Committee on Transportation,

My name is Jim Libby, and I am a State Senator representing Senate District # 22, comprised of the towns of Naples, Sebago, Baldwin, and Standish in Cumberland County; Hiram and Porter in Oxford County; and, Limington, Limerick, Cornish, Parsonsfield, Newfield, Acton, and Shapleigh, in the County of York.

It is my honor to bring to your attention the contents of 369, "An Act to Allow Repurposed Military Vehicles to Be Registered and Operated on Maine Roads."

Committee members, I'd like to begin by discussing the purpose for bringing you a bill of this nature.

This year, many of my constituents and yours were shocked to learn that they could not re-register their vehicles that were formerly military vehicles. This outcome appears to have come from legislation that passed in the previous legislature.

I have taken the time to travel parts of the state to learn more about these vehicles. Believe it or not, I have found great joy and been in awe with the hundreds of ways that former military vehicles are being used by private citizens for both personal and public purposes. Special thanks go to Sam Gilpatrick, Captain of the Cornish Fire Department, who has spent hundreds of hours putting together testimony, information packets, and coordinating people from across the state who own military vehicles. I hope that you have read his testimony and that you come to understand the importance of these vehicles.

Some of the work of the Secretary of State's Office has been excellent as well. I have been privileged to speak to Secretary Bellows at length, and to other staff members. They have provided time and information. They have been extremely responsive. But sometimes people simply disagree.

After all the research that I have done, I find it terrible that the state would nullify the property of hundreds of Maine citizens in the name of public safety, when in fact, these vehicles are safely operated on Maine roads and have been used in recovery efforts far and wide.

The best way is to provide this committee information is to offer some excerpts from citizen's feedback from around the state. I will focus on just three out of many, for the sake of time.

First, Daryl Fraser provides a great deal of technical detail in this note:

Good afternoon,

My name is Daryl Fraser. I am a lifelong resident of Maine and Damariscotta. I have spent the last 26 years of my life in the automotive repair industry and am currently an ASE Master Technician and have held a Maine State Inspection License for the majority of those years. I am also a military vehicle owner and enthusiast.

I am writing in regards to the registration and operation of retired military vehicles in civilian and municipal ownership in the State of Maine. Retired military vehicles have played an important role in private, commercial and municipal use largely beginning in the post war period when the U.S. Military unloaded tens of thousands of vehicles into the civilian market. There, they found a steady stream of buyers due to their affordability, capabilities and records of reliability. These facts have not changed. Military vehicles are still revered for their value and robust nature.

Their commercial applications are endless as their all-terrain capabilities and heavy duty components lend themselves to a wide variety of tasks. They have been used in construction, recovery, tourism, agriculture, energy and more. These vehicles have allowed businesses, large and small, affordable and more often than not, superior, alternatives to commercial equipment for decades.

And one must not forget their contribution to municipalities, large and small. Military vehicles have been and continue to be employed successfully in Fire Departments and EMA services not only in the State of Maine, but nationwide. It is rare to find a fire department in Maine that has not had a military vehicle in its stables. Their capabilities lend themselves to off road and high water rescue operations with ease. This is what they were built for.

Much of the debate around civilian ownership and operation of military vehicles revolves around their safety and relationship to Federal Motor Vehicle Safety Standards. While it is true that the Department of Defense is exempt from these standards, it does not mean that they do not adhere to them. Below is a quote taken from MIL STD 1180B, Safety Standards For Military Ground Vehicles:

“Although vehicles and equipment manufactured for, and sold directly to, the Armed Forces of the United States in conformity with contractual specifications are specifically exempted from the provisions of the Federal Motor Vehicle Safety Standards (FMVSS), it is the established policy of the Army to comply with the intent of those standards as long as compliance does not degrade essential military characteristics. With the same limitation, compliance with applicable provisions of (Federal) Motor Carrier Safety Regulations (MCSR) is an Army requirement. This military standard provides guidance to assure proper safety characteristics associated with FMVSS are designed into military vehicles in a consistent manner. In establishing this standard, full consideration has given to the following constraint listed in order of precedence.

- (a) Military mission requirements.
- (b) Federal Motor Vehicle Safety Standards and Motor Carrier Safety Regulations.
- (c) Requirements of friendly nations within whose borders US vehicles are operated by DoD personnel.”

Further reading of MIL STD 1180B will reveal that much of the safety standards developed and used by our military are based off and parallel FMVSS standards.

Military vehicle owners and operators will attest to their “over built” nature. Robust braking systems, severe duty steering and suspension components and heavy duty electrical and lighting designed for tactical duty translate into vehicles that can serve, in their civilian roles, safely and reliably for decades.

EPA standards also come up for discussion when considering “on road” use of military vehicles. While it is true that US Military vehicles are exempt from US EPA standards this is a

case of much debate. In order to streamline logistics, our US Military sources driveline components from numerous civilian contractors such as International, Navistar, Cummins, Detroit, Caterpillar, Allison, Continental, Teledyne, Rockwell and General Motors. The engines and driveline components found in civilian owned military vehicles are very often the same components found in civilian commercial vehicles that carry EPA certifications.

MRSA Title 29(A) states "Off-road vehicles may not be registered in accordance with this Title. Vehicles owned and operated by government entities are not subject to the provisions of this section." This title is referenced to refuse or revoke registration of civilian owned military vehicles. However, military vehicles that are released to civilian ownership are most often accompanied by an SF97 Certificate To Obtain Title. If the intent is for off road use only, these will be explicitly marked with "For Off Road Use Only" The intent of a normal, unmarked SF97 is for the holder to obtain a proper title with which to register and operate the vehicle.

An often-overlooked area of repurposed military vehicles is their economic impact. Besides their affordability, there is a considerable network of parts and service dealers nationwide. These vendors, large and small, rely on the continued use of military vehicles post mission for their livelihoods. Some of these vendors have been servicing this industry since the immediate post war period. They distribute the multitude of surplus parts produced for the military for these vehicles. This group also includes vendors who have found their niche in producing decals, canvas items, wiring and hard to find reproduction parts. These are small businesses that rely solely on the availability and continued use of surplus military vehicles.

On a more subjective note, I would like to comment on the "hobby" of military vehicle ownership. This is a hobby with a considerable following not just in Maine but worldwide. Those of us who own military vehicles, whether it be for personal use or commercial ventures, often consider ourselves stewards of history. These vehicles have served the men and women of our military faithfully and we take our role in their retirement seriously. It is truly a labor of love. We spend countless hours and untold dollars in their maintenance and upkeep to make sure that their usefulness continues post mission. These vehicles are a tangible representation of the best in American engineering, design, manufacturing and logistics and many of us feel it is our duty to faithfully ensure their continued use. Their presence in parades, car shows, touch-a-truck events and grocery store parking lots are almost always met with smiles, waves and positive comments and interests. The most rewarding moments for us as owners come from interactions with veterans and active duty service members. These meetings fuel our desire to continue to collect and operate these "living history" exhibits. To simplify, it is a rewarding hobby that is beneficial to many.

I submit this letter in support of LD369 and in the hopes that you will consider my arguments and support the continued use of surplus military vehicles in civilian ownership in Maine. Thank you.

Respectfully,
Daryl Fraser
Damariscotta, ME

Stephen A McLean provides more evidence:

I am a licensed used car and truck dealer, and equipment dealer. Also, a Truck and Equipment Museum owner, as well as a 40+ year volunteer fire department member. There is no reason that repurposed military vehicles should not be able to be titled or registered for "on road" use. These vehicles meet or exceed the federal standard for highway safety as well as EPA standards when using on road diesel fuel. The braking system on these vehicles is double what the common commercial truck on the road uses. The statement that these military vehicles are unsafe for the roads is ludicrous. The State of Maine goes onto say that municipalities are except makes no sense either. If they are unsafe (which they are not) to be on the road, how can they be safe in emergency situations by fire & police departments who are running to emergency calls at an accelerated speed.

I have sold many of these vehicles to cities, towns, contractors, farmers, etc... For uses like snow

plowing, sanding, water tanks, wreckers, ramp trucks, dump trucks, etc. From testimony you can see these repurposed military vehicles are far safer than the common commercial vehicle traveling on our roads.

I am sending this letter in support of Senator Libby's Bill.

S. A. McLean, Inc.

Tim Cook writes (and this passionate letter really got my attention):

If ex-military vehicles are NOT allowed to be registered and operated on Maine highways, including those OVER 10,000# then the State has just put me OUT OF BUSINESS along with the associated revenues. We operate a 1990 M936 Wrecker/Recovery truck that has been called for (used) by just about every Law Enforcement agency in my area. My small company does NOT have 125-250 THOUSAND dollars to replace this vehicle. Not to mention the myriad of logging companies, Fire Depts, rural towns and others who utilize these vehicles. I am VEHEMENTLY opposed to ANY legislation, suggestion or verbiage that will NOT allow use of these vehicles in ANY weight class. Anyone who suggests these vehicles are not safe has never been involved with them. ALL were meeting the prevailing Federal standards for the time period they were manufactured in.

[End of example letters]

I am now going to clear the way for others to testify, but before I do, please understand that there are hundreds of people, if not thousands, who have put their lives into maintaining these vehicles. They stand to lose a lifetime of investment and pride in workmanship, but more importantly, many of these vehicles are lent for public purposes - and this is the way they are treated by the State of Maine. These people are being canceled. No consideration, no understanding, and certainly no apology. Your Committee is all that stands between cancel culture and letting cooler heads prevail. I certainly hope that you will join me in support of L.D. 369.