



STATE OF MAINE
Department of Public Safety
Maine State Police
Traffic Safety Unit
State House Station 20
Augusta, Maine
04333-0020

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Testimony of Lt. Bruce Scott

AGAINST LD 1039

An Act Regarding Municipal Authority over Heavy Vehicle Operation

Senator Nangle, Rep. Crafts, and distinguished Members of the Joint Standing Committee on Transportation, my name is Lt. Bruce Scott, and I am the Commanding Officer of the State Police Traffic Safety Unit. I am here today to testify on behalf of the Department of Public Safety and the Maine State Police in Opposition of LD 1039.

This well-intentioned bill seeks to add a new driver's license "Class M" for local units of government that can be used only within that jurisdiction to allow for the operation of commercial vehicles by one employee of their choice. Particularly, this bill seeks to allow the operation of vehicles for the purpose of removing snow or ice from a roadway that currently requires a Class A or Class B license.

If passed, this bill would take the State of Maine out of compliance with the Federal Motor Carrier Safety Regulations which would go against the State Police's current adoption agreement with the Federal

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Motor Carrier Safety Administration (FMCSA) and Maine's Commercial Driver's License Compact. It is also worth considering that under Title 29-A section 1253 subsection 2, it requires the State to comply with the Commercial Vehicle Safety Act of 1986, The Federal Motor Carrier Safety Improvement Act of 1999 and regulations adopted pursuant those Acts in **issuing** and suspending a commercial license. It further states, in the case of any conflict between the federal statute or regulation and a statute or rule of this State, the federal statute or regulation must apply and take precedence. States must comply with Federal standards in order to not have apportioned funds withheld. A Class M license is not consistent with these Acts and therefore will bring Maine out of compliance. This bill would also allow a commercial license to be issued to a municipality, not a particular person, which would prevent the State from holding an individual responsible for illegal driving behaviors, again taking Maine out of compliance.

Currently under Title 29-A section 1252, subsection 5, it allows a person that is employed by a city, town, or other local government with a population of under 3,000 to operate a commercial vehicle within the boundaries of that local government for the purpose of removing snow or ice from a roadway by plowing, sanding or salting under certain emergent conditions. If the population size is creating a barrier for larger communities, this Committee could consider increasing the population size or removing it all together, without jeopardizing federal compliance.

For these reasons, we urge you to vote "Ought Not to Pass" on LD 1039.

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

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