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Testimony of the Maine Municipal Association

In Opposition to

LD 1039 – An Act Regarding Municipal Authority over Heavy Vehicle Operation

April 1, 2025

Sen. Nangle, Rep. Crafts, and distinguished members of the Transportation Committee, my name is Rebecca Graham, and I am submitting testimony in opposition to LD 1039 as drafted at the direction of MMA's Legislative Policy Committee (LPC). Our LPC is made up of individuals from across Maine with municipal officials elected by their peers across Maine's 35 Senate districts representing communities with very different access to available enforcement resources and local capacity.

MMA staff had discussions with the sponsor during the review deadline just before the printing of the bill and understood the policy objective of the proposal. However, the LPC opposition is to the language of the bill as drafted and not towards a greater examination of the issues facing many communities in their recruitment and retention of CDL licensed personnel.

As drafted, the bill would shift the licensing responsibility to a municipality, but it is unclear how this would function with regard to safe operation, a other violations of an individual operator as the licensee would be the municipality and not the operator. The concerns around the liability for the actions of an individual and how enforcement of violations would operate if they were shifted from the current licensee to the municipality is unclear. This is the reason that municipal officials are concerned with the bill as draft.

For instance, if an operator plowing the roads late at night decided to consume alcohol and was then involved in an accident, while under current law, the municipality would bear some responsibility for the employee management aspects of the operator, the licensee would be the municipality under LD 1039 and thus would lose the license and subsequent ability to hire a replacement operator under the same path. Presumably that municipal licensee would also have to be an identified town leader as a single point of contact which could also have personal liability for legal ramifications. Additionally, falling out of compliance with federal licensing requirements may result in the loss of federal transportation funding which would effect everything from seatbelt enforcement and OUI initiatives important statewide but other also support for infrastructure grants many communities need to repair transportation hubs.

During conversations with the sponsor, staff heard that there may be a lack of widespread understanding how a current CDL license holder in a municipality can be registered in the federal system as an instructor and train an individual to meet CDL licensing requirements allowing the expensive training for license operators to be absorbed as a municipal duty of an existing employee instead of a requirement to send individuals to a professional driving school before they are able to take the tests to receive their license.

In 2022, MMA with the Licensing Bureau and the Commercial Vehicle Enforcement section of Maine State Police held an evening information session for municipal public works staff and officials to explain how a current CDL operator could register as a driving instructor through the federal licensing system. This was extremely helpful for communities who were deeply concerned about how to continue to train drivers on the job as they always had under new federal mandates. This hasn't lessened the crisis of finding CDL operators which is a burden shared by other commercial vehicle operators at all levels of government and the service industry. As with all municipal roles, employees leave to better their financial prospects in other communities or government entities and these roles are drawing from the same shrinking pool of individuals statewide.

There is no quick fix to this statewide problem. However, the Association would be willing to work with those agencies again to provide another session that might help municipalities struggling to attract and retain CDL drivers and potentially help enable them to cooperate on a regional basis for their licensing instructional needs. Perhaps this bill could be used to provide greater agency support for providing similar sessions annually as state office hours are generally out of line with many municipal hours.