



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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GOVERNOR

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CHIEF

LT. COL. BRIAN P. SCOTT
DEPUTY CHIEF

**Testimony of Lt. Bruce Scott
IN SUPPORT OF LD 566**

**An Act to Modernize the Motor Vehicle Inspection Program and
Amend the Law Governing Inspection Fees**

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 Support of LD 566.

This bill was introduced during the second regular session of 130th to the Transportation Committee as LD 2032 and gained unanimous support from the committee members that were present, with a 12-0 final count. This bill then gained strong support in the House with 95 yeas and 39 nays but was indefinitely tabled 9 days later before it was voted on by the Senate. The bill was sponsored by Sen. Diamond as result of a report back from a Motor Vehicle Inspection working group that was established as a result of LD 284. The working group made several recommendations to include authorizing the Maine State Police to leverage technology by implementing a state-wide electronic motor vehicle inspection program.

Then, during the 1st regular session of the 131st legislature, Rep. Bruce White reintroduced the same bill as LD 900. That bill left this committee 12-1 ought

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to pass as amended. The bill passed in the house and died in the Senate. It was said that members of the senate were under the belief that the electronic inspection program would unfairly prevent vehicle owners from obtaining a second opinion if their vehicle failed an inspection and would house data used by police to "hunt" for those that may be operating defective motor vehicles. Some also had concerns over what type of data would be obtained during the inspection and how it might impact privacy.

Contrary to the falsities created by inaccurate information, creating a digital record of the inspection does not prevent someone from seeking a second opinion when their vehicle fails an inspection. As a matter of fact, this system would benefit the consumer, as stations would have documented the cause for rejection, therefore reducing attempts to oversell repairs and services. Additionally; the data that would be retained by the program would **not** contain any PII, personally identifying information (i.e., name, DOB, addresses, license numbers, etc.). It would only retain the VIN# and the plate# of the vehicle inspected along with the cause for rejection (defect(s)) as well as the technician and station information. This information is currently being collected and has been for years.

Many state-owned databases contain significant amounts of information with PII, for example the BMV, the DHHS, Vital Records, etc. The inspection database would not have any value outside the administration of the program itself because it would not contain any private data or PII. The data would only be used to regulate the licensed stations and technicians and not for enforcement of traffic violations.

The data would be used for statistical analysis and provided to the Transportation Committee annually, so that they may use it to determine the effectiveness of the inspection program. The data provided will be in aggregate form and not be connected to a particular vehicle or person.

Information in the database cannot be used by a police officer as a basis for a traffic stop. A police officer needs reasonable articulable suspicion (R.A.S.) to believe that a violation of law has occurred, is occurring or is about to occur before it can stop a vehicle. The presence of defects discovered and entered into a database at the time of inspection doesn't translate into a known current violation of law, as the operator/owner of the vehicle may or may not have already corrected the deficiency. The Maine State Police have taught motor vehicle inspection law at the Maine Criminal Justice Academy since 2010. Every police officer that has graduated in the last 15 years has been taught that the presence of a cut inspection sticker (indicating it failed inspection) was not R.A.S. to believe that a violation of law is occurring. It

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would be clearly understood by those that have already attended the academy and those that will attend the academy in the future that the knowledge of a previous discovery of a defect during an inception does not provide R.A.S for a stop. Additionally, no one outside the Inspection Unit would have access to this information. There are no sworn police officers within the Inspection Unit, therefore they are not driving police cruisers or stopping vehicles.

The modernization program would not change the current laws or rules pertaining to motor vehicle inspections. The increase in fees would be used to cover the costs of the program and would result in most stations receiving approximately \$5.00 more per inspection for their services. The State Police does not receive any revenue from the Inspection Program, as all monies received for the sale of stickers and related materials is deposited directly into the Highway Fund. There has not been an increase in inspection fees for over 25 years.

For these reasons, we urge you to vote in favor LD 566.

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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