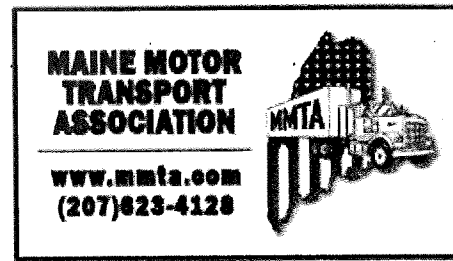


**TESTIMONY OF
Timothy Doyle**

**L.D. 1305, "An Act to Improve Access to
Transportation to Work for Forestry
Workers and Migrant and Seasonal Farm
Workers"**



Good afternoon, Senator Nangle, Representative Crafts, and members of the Committee on Transportation. My name is Tim Doyle and I am the Vice President of the Maine Motor Transport Association and a resident of Brunswick. The Association is comprised of more than 1,870-member companies, whose employees make up a large portion of the almost 34,000 people who make their living in the trucking industry in Maine.

We are testifying neither for nor against this bill in order to provide information to the Committee.

This bill would allow the Secretary of State to grant a temporary license to an applicant, in order to transport workers or migrant and seasonal farm workers between their lodging and work site each day. Such temporary license would be issued at no cost to the applicant. In order to qualify for the credential, the applicant would have to provide documentary evidence of physical qualifications under title 26, section 643, subsection 1, paragraph B, and a valid or recently expired driver's license from the operator's home country. The license then issued would be considered a Class B CDL license and valid for only purposes described in the new subsection.

First, we believe from talking with proponents of the bill, that the intent of this legislation is to grant a driver from a foreign country an equivalent license to what they hold in their home country. We understand that the specific situation which prompted this bill is to grant migrant workers from Mexico a CDL B with a "P" endorsement, if they currently hold such a license in their home country.

Federal and state law, with respect to Canadian and Mexican drivers, allows drivers from these countries to operate in the United States and the federal government and all states

recognize the CDL and most endorsements. This recognition is contained in the USMCA, formerly known as NAFTA.

49 CFR Part 383.71 of Federal regulations authorize non-domiciled applicants from a foreign country to test for a CDL or CDL-P but if they meet the standards for application, including entry level driver training and knowledge and skills testing. So, while eligible for testing, a migrant worker here on a Visa would not be eligible to transfer a CDL B from another country to any State in the United States, including Maine.

MMTA would also have concerns with regard to cabotage laws which govern foreign carriers from transporting property and passengers within the United States, in point to point commerce. Foreign motor carriers, including Canada and Mexico, can enter the US for delivery and pick up for return delivery to their home countries, but cannot engage in point to point deliveries in the US.

MMTA would be generally opposed to this bill if the intent is to grant a Maine CDL to drivers from another country who do not currently possess an equivalent CDL in their home country. We would also be opposed to the bill if we are correct and that current federal regulations prohibit the issuance of a Maine CDL to a driver from another country who may already possess a CDL in their home country.

As I know the Committee is aware of, persons who seek their CDL license to perform work as a truck or bus driver in the US are subject to federal regulations requiring Entry Level Driver Training. Maine must follow the ELDT standards in order to receive federal funding and Maine BMV has fully adopted the standards. The intent of ELDT is to standardize commercial driver license training across the country, in order to enhance safety. This bill as currently proposed appears to circumvent that training requirement and would issue a CDL B to an applicant who may have no level of training beyond what is required in their home country to obtain a passenger car license. This would not only be unfair to Maine residents, but may also undermine safety.

Our understanding of the current Transportation of workers statute in Title 26, section 643 is a driver on a class C license who is physically qualified based on 29 CFR may transport passengers in a 15-passenger van except that the number of passengers transported may not exceed 12 passengers. Maine law would require a seat immediately behind the driver to be removed so that only 12 passengers could be transported. If the intent of the bill is to increase the number of passengers that may be transported, amending Title 26 section 643 to allow for the transportation of up to 15 passengers (including the driver) in a 15-passenger van would mirror federal law in 49 CFR Part 398 and would be an increase of 3 passengers to what Maine law currently allows.

With that, MMTA stands ready to work with the proponents of the bill and others to aid in finding a possible solution to the current problem.

Thank you for your consideration and for allowing us to testify today. I would be happy to answer any questions the Committee may have now or at work session.