



Department of the Secretary of State Bureau of Motor Vehicles

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JOINT STANDING COMMITTEE ON TRANSPORTATION

L.D. 1305 “An Act to Improve Access to Transportation to Work for Forestry Workers and Migrant and Seasonal Farm Workers”

Testimony of Shenna Bellows, Secretary of State and
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Friday, April 11, 2025

Senator Nangle, Representative Crafts, Members of the Transportation Committee, I am here today to provide testimony in opposition to L.D. 1305 “An Act to Improve Access to Transportation to Work for Forestry Workers and Migrant and Seasonal Farm Workers” and to provide you with information that may be useful to you and members of the public.

In May 2011, the Federal Motor Carrier Safety Administration established the requirement to earn to a commercial driver’s license with a “P endorsement” for the purposes of operating a passenger bus. Our own Title 29-A, §1253 governs how BMV meets the federal program when administering the commercial license program here in Maine, and as we’ve discussed before, our ability to keep Title 29-A in alignment with federal commercial driver license standards is an important element of maintaining access to federal highway funding.

Title 49 of the Code of Federal Regulations (CFR), §383 requires a driver to earn both a CDL and a passenger vehicle endorsement—or “P” endorsement—before operating any commercial motor vehicle that weighs more than 10,001 pounds and is designed to transport 16 people or more, including the driver, provided the operation is not receiving compensation from the passengers. An employer providing transportation to farm or forestry workers would likely fit this description.

In comparison, for operators receiving compensation, the passenger threshold requiring a CDL and P endorsement is lowered to ~~8~~ passengers.

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While the federal regulations do allow for a CDL operator to transport an empty passenger bus without possessing a P endorsement, they clearly require a CDL with a Passenger endorsement to operate a commercial motor vehicle that is carrying any passengers.

Additionally, FMCSA only recognizes reciprocity of a current, unexpired foreign CDL from Canada or Mexico. All other foreign commercial drivers are required to complete the written and practical exam series administered by BMV to earn any form of CDL or CDL endorsement. As a result, L.D. 1305 as written would put our program out of alignment with federal guidance.

Our Department absolutely recognizes the importance of reliable transportation in getting workers to and from Maine's farm fields or forestry operations. Adoption of this LD as written, however, would put our commercial licensing program at risk of violating federal guidance.

If we step away from the idea of a commercial passenger bus license and endorsement, it is worth noting that a driver who visits Maine temporarily—without establishing residency—may continue to operate on their host nation Class C, non-commercial license for up to 1 year. There are a number of 15-passenger vehicles that weigh less than 10,001 pounds, that could be operated without a CDL or P endorsement to transport farm and forestry workers here in Maine. Our Licensing staff at BMV would be happy to talk that through with any business owners who would like to learn more.

One note here is that while federal regulations allow for Class C license holders to operate 15-passenger vans, Maine labor statutes cap the total at 12 (11 passengers and one driver). Because of these provisions, drivers with a passenger license operating a 15-person van would need to have three seats removed, in order to meet current Maine labor law. Amending Title 26, §643 regarding transportation of workers may be of interest to the sponsor.

There are additional potential avenues that are available under current law that may solve the issue faced by the sponsor's constituent. As mentioned above, drivers with a CDL from Canada or Mexico may operate equivalent commercial vehicles in the United States. Drivers could also pursue a Maine license and subsequently a Maine CDL, though we do acknowledge that this is a more lengthy and expensive option.

There may be immigration and labor stipulations regarding these options, which is beyond this Department's ability to advise on, but wanted to note here. For example, the nature of the worker's visa, or cabotage restrictions on foreign businesses supplanting American trucking businesses. An employer would want to obtain legal advice on these types of questions while pursuing any of the just-mentioned potential solutions.

Last, should the Legislature choose to adopt this provision, we would request an implementation date no earlier than December 2026 to provide sufficient time to complete modernization of our licensing system and other projects already scheduled or under way.

Thank you for your time and consideration. If the committee has any questions, I'd be more than happy to answer them or conduct the appropriate research. I will be available for the work session.