



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

JANET T. MILLS  
GOVERNOR  
MICHAEL SAUSCHUCK  
COMMISSIONER

COL. WILLIAM ROSS  
CHIEF  
LT. COL. BRIAN P. SCOTT  
DEPUTY CHIEF

**Testimony of Lt. Bruce Scott**

**AGAINST LD 1305**

**An Act to Improve Access to Transportation to Work for Forestry  
Workers and Migrant and Seasonal Farm Workers**

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 1305.

This bill, if passed, 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 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

---

INTEGRITY \* FAIRNESS \* COMPASSION \* EXCELLENCE

Offices located at: 36 Hospital Street, Augusta Maine  
(207) 624-8939 (Voice) (888) 524-7900 (TDD) (207) 624-8945 (Fax)

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.

Code of Federal Regulations (CFR) 350.305 states specific variances from the FMCSR are allowed for State Laws and regulations applicable to intrastate commerce. It specifically states that, except as otherwise provided, a state may exempt a CMV 26,001 pounds or under from all or part of its laws. But prohibits states from exempting vehicles that are transporting hazardous materials or vehicles designed or used for transporting 16 or more people including the driver. CFR 350.307 provides a process for states to apply for a new exemption, so possibly this could be explored further.

CFR 350.309 provides the consequences if state laws have provisions not compatible with their regulations to include withholding of Motor Carrier Safety Alliance Program (MCSAP) funding. These funds are used to fund activities in the Commercial Vehicle Enforcement Unit to include overtime for special details, salary for Motor Carrier Inspectors, equipment and vehicles as well as the full salary of a Contract Grant Manager. Loss of these funds would deeply impact the ability of the Maine State Police to regulate the transportation industry.

Also, I believe CFR 383-23B allows for a non-domiciled license to be issued if the administration determines that the person's home jurisdiction test drivers and issue licenses in accordance with the FMCSA standards.

For these reasons, we urge you to vote "Ought Not to Pass" on LD 1305.

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.

---

INTEGRITY \* FAIRNESS \* COMPASSION \* EXCELLENCE

Offices located at: 36 Hospital Street, Augusta Maine  
(207) 624-8939 (Voice) (888) 524-7900 (TDD) (207) 624-8945 (Fax)