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Testimony of Lt. Bruce Scott

IN OPPOSITION TO LD 1479

An Act To Make Certain Traffic Infractions Secondary Offenses

Senator Diamond, Rep. Martin 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 to LD 1479.

This bill, if passed would create secondary offenses out of numerous Title 29-A violations and one Title 17 violation. Some of these offenses that the bill seeks to create as secondary offenses would not be enforceable at all if an officer couldn't stop a motorist and take appropriate action for the violations in question. Some even pose an immediate safety hazard to the operator, other occupants in the vehicle and the general public, yet the bill would not allow an officer to stop someone without witnessing some other qualifying event. The operation of a defective motor vehicle, over acceleration noise, operating a motorcycle without a headlight, operating with an obstructed view, not wearing a seatbelt and operating a vehicle in a turning lane all pose a substantial risk for safety. This bill also makes littering, OAS (Traffic violation), failure to register a vehicle or display plates and the operation of an uninspected vehicle a secondary offense as well.

As the Transportation Committee knows well, the traffic laws are written in concert with one another in a manner to promote safer driving that reduces collisions. These laws should never be viewed by themselves in a vacuum as they are only effective at saving lives if they are viewed and enforced in their totality. Arbitrarily selecting these laws and making them secondary offenses will certainly lead to a lack of compliance and become an overall threat to public safety. Selecting laws as secondary offenses sends a message to motorists that the law is somehow less important, and that compliance is not necessary. The primary the goal of traffic enforcement is voluntary compliance. That compliance is greatly enhanced and directly proportional the risk of getting caught. To allow motorists to engage in risky driving behavior without any enforcement will have catastrophic results.

While it is unclear to us the motivation behind this bill, I would like to point out the Maine State Police favors giving verbal and written warnings over tickets as do most agencies. As a matter of fact, 7 out of 10 stops initiated by our agency result in only a warning. The egregiousness of the offense and likelihood of voluntary compliance are factors considered when determining what action is best.

The harm created if this bill were to pass is worthy of taking a deeper dive and evaluating each change that this bill seeks to make. In order to be succinct and respectful of your time here today, I have created a bulleted list below with the offense and concerns beside it:

- **Seatbelts**-NHTSA studies indicate front passengers in cars risk of a fatal injury in a crash is reduced by 45% when wearing a seatbelt and has a 50% reduction in moderate to severe injuries. The risk of fatal injuries for those wearing seatbelts in the back seat of cars is reduced by 49%. Light truck front passengers' risk of a fatal injury is reduced by 60% when wearing a seatbelt and has a 65% reduction in moderate to severe injuries. The rear passengers of vans and SUVs risk in fatal injuries by wearing a seatbelt is reduced by 73%. Seat belt saves lives. Studies also indicate that compliance goes up as enforcement efforts are increased. On average 50% of all fatalities in car crashes were unbelted. Also, NHTSA federal grant dollars to purchase car seats for families that meet income guidelines, funding for training, funding for education and funding for enforcement campaigns would be lost to the amount of \$287,000 a year, if this bill were to pass.
- **Making unnecessary noise**-This is the charge we use when someone does a burn out. Experienced drivers know that when your tires are spinning you have considerably less control. This is more than noise pollution and a quality of life issue and while very worth of consideration, is not the primary reason to stop this type of dangerous driving.
- **Operating a defective motor vehicle**-This is for the vehicles that don't meet inspection standards. Anything from a shattered windshield that you can't see through to a leaking gas tank would be allowed to continue driving as this law would not allow a police officer to stop the vehicle for any defect in the inspection manual.
- **Operating a motorcycle without a headlight**- This is dangerous enough during the day due to the lack of visibility. If the motorcyclists can't be seen, they can't be avoided. This bill doesn't differentiate between day or night so I guess the motorcycle can drive at night without a headlight as well.
- **Operating with an obstructed view**-This law applies to driving while you don't have a clear view of the roadway. A vehicle with anything from snow on the windshield to a "for sale" posted on the windshield would be allowed to drive by a police officer who could not stop them even if the driver literally had to stick their head out the window to see.
- **Operating a vehicle in a turning lane**-The turning lane is for just that. Allowing motorists to continue driving in that lane would certainly create problems for oncoming traffic using that lane to turn. These lanes are there to reduce rear end crashes and allow turning traffic a place to stall and wait to turn without being struck from behind.
- **Certain equipment violations in Chapter 17**-These are all of the equipment standards required by law and they apply to all vehicles in Maine, not just those

- required to be inspected. This includes mufflers, lights, tires, windows, brakes, frame height, rear reflectors, mirrors, tint, etc.
- **OAS(Traffic violation)**-This includes vehicle operated by a suspended driver for failure to pay a fine, reinstatement fee or for writing a check with insufficient funds to the SOS.
 - **Littering**-This may be more of a public policy, but I think our Maine citizens would be very upset if law enforcement had to watch people throw trash out their windows and onto a public way or on someone else's personal property and not be allowed to do anything about it. I would also worry about people throwing a lit cigarette out the window, especially in drought like conditions, as it could cause fires. I have seen this happen numerous times over the years so that is not a stretch.
 - **Failure to register or properly display plates**-This has been discussed under LD 644, but is worth repeating. Criminals must drive or ride to facilitate their crimes. Driving a vehicle with no plates on it allows them to commit their crimes with a great sense of anonymity. Victims of crimes deserve more protection than vehicle operators who would choose to not register their vehicles for nefarious reasons.
 - **Failure to Display a valid and current certificate on inspection**-Defective cars are dangerous. Stopping these vehicles before they cause or get into a crash is important. Also, the current law requires a warning to be issued if the vehicle is stopped within one month of expiration. Often people just forget to inspect their vehicles and if that is the case, a simple warning is usually the remedy. But if that vehicle is unsafe, it may need to be removed from the road before somebody gets killed.

I would also like to point out that many crimes have been solved or even at times thwarted by a traffic stop for any of these given laws that this bill seeks to change. Let's not forget that Timothy McVeigh, the man responsible for the Oklahoma City Bombing that killed 168 people and injured an additional 680 back in 1995 was stopped for not having a registration plate.

For these reasons, we urge you to vote "Ought Not To Pass" on LD 1479.

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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