

LD 1228 An Act To Promote Transparency and Public Safety When Public Servants Request Towing Services

To: Members, Joint Standing Committee on State and Local Government
From: Lynne Caswell, Esq., Legislative Analyst
Date: May 10, 2021

*electronic
record*

<http://legislature.maine.gov/ctl/SLG/04-23-2021?panel=1&time=0&sortdir=0&sortby=2>

SUMMARY

This bill, as amended by the sponsor, requires the Department of Public Safety and the county sheriffs to develop and maintain a centralized record on vehicle towing or roadside assistance approved or arranged by the Maine State Police or a county sheriff when the owner of the vehicle is not available or able to give permission, or is otherwise unaware that the vehicle is being towed.

TESTIMONY*

Sponsor: Representative Mark Bryant

- To promote/create transparency through data
- with SLG and not TRA because original language applied to DAFS Central Fleet (SLG jurisdiction)

Proponents: TRAM President, Dana Lewis & Carl Phillips; Machinist Union by Jay Wadleigh; Mickie Thibeault, TRAM Treasurer; Steve's Towing and Recovery by Steve

- Topic of discussion for many years w/o progress
- Lack of transparency
- Basic issue of fairness
- Favoritism
- Nonconsensual = vehicle owners not aware; may be difficult to find vehicle
- License needed to drive tow trucks; no state-imposed standards on towing services

Opponents: Maine State Police and DPS by Major Brian Scott

- Original ask from towing companies was much more aggressive than
- Current record management system is not set up and can't be easily modified to create the record keeping system required by bill
- 3 dispatch centers in state field calls – rely on person on the scene with knowledge of “closets available” + capable of providing services.
- Public safety / emergency nature of many situations requires quick response time

NFNA: MMA by Rebecca Graham

- Unfunded state mandate on county sheriff's only; local police not covered by the bill
- Most municipalities have ordinances with towing rotations, standards, rates, reviewed annually
- Difficult for local police to report to centralized system due to different databases

written only: Kandace Conner; Southern Maine Towing by Scott Hatch; Tyler Thibeault

* The section is not intended to reflect all comments and may include unintentionally errors.

MATTERS FOR CONSIDERATION**MANDATE:**

This bill creates a state mandate for county sheriffs. The sponsor's amendment added a mandate. A favorable vote by 2/3 of the legislature is needed to pass. Alternatives include: funding 90% of the cost to local units of government, or removing the required element of the bill and making it optional.

INFORMATION REQUESTS

1. Sheriff Association – invited to attend
2. Examples of Municipal Ordinances – MMA will provide
3. Cost to State Police to
4. Qualifications / Standards Applicable to Towing Companies – drivers license requirements based on vehicle

FISCAL IMPACT - Preliminary (OFPR)

None provided as of this date.

SPONSOR'S AMENDMENT**An Act to Promote Transparency In Nonconsensual Towing and Roadside Assistance**

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 29-A MRSA §1864 is enacted to read:

§1864. Record of nonconsensual tow and roadside assistance. Beginning January 1, 2022, the Department of Public Safety and the county sheriffs shall develop and maintain a centralized record of the following information relating to any nonconsensual tow or roadside assistance provided or arranged by the Maine State Police or a county sheriff or an employee of either:

A. The date, time and location of each nonconsensual tow or roadside assistance; and

B. The name of any towing company providing the roadside assistance or towing services.

For purposes of this section, “nonconsensual tow or roadside assistance” means the towing of a motor vehicle, its contents or other items related to removing the motor vehicle from a roadway or a parking area without the consent of the owner, possessor, agent, insurer or lienholder.

SUMMARY

This amendment replaces the bill. It requires the Maine State Police and County Sheriff departments to keep a centralized record of all nonconsensual tows and roadside assistance provided or arranged for by the Maine State Police or county sheriff or an employee of either. The amendment adds a mandate preamble.