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Testimony of Lt. Bruce Scott

NEITHER FOR NOR AGAINST LD 1527

An Act To Require That Certain Motor Vehicles Be Clear of Snow and Ice When Operated on Public Ways

Senator Diamond, Representative McLean 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 Neither For Nor Against LD 1527.

While we understand the goal of this bill and have seen first-hand the devastation caused by snow and ice falling off from vehicles and smashing into other vehicles, there is difficulty in the enforcement of this type law. Terms such as a "minor amount" of solid precipitation and "reasonable effort" to remove the load is ambiguous and a challenge to enforce. Not only does it make discretion difficult but it often leads to a lack of judicial support. Additionally, this would only be enforceable if the speed of the vehicle was traveling 40 or more miles per hour, requiring a police officer to get the vehicle on radar or clock it to take enforcement action. No consideration is given to the actual speed limit, which could encourage motorists to simply drive slow to avoid being in violation, even on a way when the posted speed limit is higher.

You may also want to consider that it is unlawful for any vehicle to stop on the interstate or Maine Turnpike unnecessarily and that stopping to clear off the

snow that has accumulated during a snow event may be more dangerous than proceeding on with the solid precipitation on the vehicle.

Also, this bill would exempt commercial vehicles from this requirement, yet they pose the most danger and cause the greatest damage to other vehicles when the load falls off. We can certainly understand the challenges for commercial vehicle operators to be able to safely clear the snow and ice off from their vehicles while away from their terminals or home residences, the same argument can and will be made for non-commercial vehicles.

For these reasons, we are Neither For Nor Against LD 1527.

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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