

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

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Legislative Document

No. 1457

S.P. 598

In Senate, April 3, 2025

Resolve, to Allow the Maine Turnpike Authority to Conduct a Pilot Program to Implement Automated Speed Control Systems in Highway Work Zones

Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in black ink, appearing to read "D M Grant", is positioned above the printed name of the Secretary of the Senate.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator FARRIN of Somerset.
Cosponsored by Representative CRAFTS of Newcastle and
Senator: PIERCE of Cumberland, Representatives: ALBERT of Madawaska, MASON of
Lisbon, RAY of Lincolnville.

1 **Sec. 1. Maine Turnpike Authority authorized to conduct pilot program to**
2 **implement automated speed control systems in highway work zones. Resolved:**
3 That the Maine Turnpike Authority, in conjunction with the Department of Transportation
4 and the Department of Public Safety, may establish a pilot program to operate work zone
5 speed control systems in a highway work zone.

6 **Sec. 2. Definitions. Resolved:** That, as used in this resolve, unless the context
7 otherwise indicates, the following terms have the following meanings.

8 1. "Authority" means the Maine Turnpike Authority under the Maine Revised Statutes,
9 Title 23, chapter 24.

10 2. "Director" means the executive director of the authority appointed under the Maine
11 Revised Statutes, Title 23, section 1964-A, subsection 8.

12 3. "Highway work zone" means an active construction work area denoted by roadway
13 construction signs with workers present.

14 4. "Limited access state highway" means a controlled access highway as defined in the
15 Maine Revised Statutes, Title 23, section 301.

16 5. "Operator" means an operator of a system who is a person trained and certified to
17 operate a system.

18 6. "Personally identifiable information" means information created or maintained by
19 the authority or a vendor that identifies or describes an owner of a motor vehicle and
20 includes the owner's address, telephone number, license plate number, photograph, bank
21 account information, credit card number or debit card number or the date, time, location or
22 direction of the owner's travel on a limited access state highway.

23 7. "Pilot program" means the pilot program established pursuant to this resolve.

24 8. "System" means a work zone speed control system, which is a device having one or
25 more motor vehicle sensors connected to a camera system capable of producing a recorded
26 image of a license plate and type of motor vehicle that indicates the date, time and location
27 of the image of the motor vehicle allegedly operating in violation of section 4.

28 9. "Vendor" means a person selected by the authority:

29 A. To provide services to the authority under this resolve;

30 B. That operates, maintains, leases or licenses a system; or

31 C. That is authorized to review and assemble the recorded images captured by a system.

32 **Sec. 3. Program requirements. Resolved:** That the pilot program has the
33 following requirements.

34 1. The pilot program must operate a system at up to 3 locations in the State at any one
35 time. A system may be used to record images of license plates of motor vehicles traveling
36 on a limited access state highway within a highway work zone in which the speed limit,
37 established using generally accepted traffic engineering practices, is 45 miles per hour or
38 greater.

39 2. A system may be used if:

40 A. The system is operated by an operator;

1 B. In accordance with a manual of uniform traffic control devices approved and revised
2 by the authority, at least 2 conspicuous road signs are placed at a reasonable distance
3 in advance of a highway work zone notifying drivers that a system may be in operation;

4 C. At least one sign in paragraph B indicates that the system is operational or is not
5 operational;

6 D. An appropriate sign is conspicuously placed at the end of the highway work zone
7 with a system that is operational; and

8 E. A notice identifying the location of a system is available on the authority's publicly
9 accessible website.

10 3. A system may be used only to record images of motor vehicles that are exceeding
11 the posted highway work zone speed limit by 11 miles per hour or more in violation of the
12 provisions of section 4. Any recorded images collected as part of a system may not be used
13 for any surveillance purpose. The authority or operator shall certify to the Department of
14 Public Safety when a system is operational.

15 4. The director may:

16 A. Enter into an agreement with a vendor for the design, operation or maintenance, or
17 any combination thereof, of systems; and

18 B. Retain and employ a consultant or assistant on a contract or other basis for rendering
19 legal, financial, professional, technical or other assistance and advice necessary for the
20 design, operation and maintenance of a system. If a vendor provides, deploys or
21 operates a system, the vendor's fee may not be contingent on the number of violations
22 issued or fines paid pursuant to the provisions of section 4.

23 5. The pilot program must commence on or before January 1, 2026 and terminate on
24 December 31, 2028.

25 **Sec. 4. Penalties for exceeding speed limit in highway work zone detected**
26 **by system. Resolved:** That the owner of a motor vehicle that exceeds the posted speed
27 limit by 11 or more miles per hour, as detected by a system, within a highway work zone
28 where a system is operational is in violation of this section. A penalty imposed by this
29 section is equivalent to a penalty imposed for a violation of the Maine Revised Statutes,
30 Title 29-A, section 2075, subsection 2.

31 1. The owner of a motor vehicle identified by a system as violating this section:

32 A. For a first violation, must receive a written warning; and

33 B. For a 2nd or subsequent violation, is liable for a penalty pursuant to the procedures
34 of the Maine Rules of Civil Procedure, Rule 80F. A notice of violation under section 7
35 satisfies the requirement for commencement of proceedings and a violation summons
36 and complaint under Rule 80F(b).

37 2. The owner under subsection 1 is liable for a fine imposed under subsection 1 unless
38 the driver of the motor vehicle received a citation from a law enforcement officer at the
39 time of the violation.

40 3. A violation of this section:

1 A. Is not subject to demerit points under the Maine Revised Statutes, Title 29-A, section
2 2458, subsection 3;

3 B. May not be used for merit rating for insurance purposes; and

4 C. Does not authorize the imposition of surcharge points in the provision of motor
5 vehicle insurance coverage.

6 **Sec. 5. Review of recorded images. Resolved:** That whenever a system detects
7 and produces a recorded image of a motor vehicle allegedly committing a violation of
8 section 4, a sworn member or authorized member of the Department of Public Safety shall
9 review the recorded image. If, after review, the member determines that there are
10 reasonable grounds to believe that a violation has occurred, the member may issue a notice
11 of violation for the alleged violation. The notice of violation must be sworn or affirmed by
12 the member and is prima facie evidence of the facts contained in the notice. The notice of
13 violation must include written verification that the system was operating correctly at the
14 time of the alleged violation and specify the date of the most recent inspection that confirms
15 the system to be operating properly.

16 **Sec. 6. Operator training and duties; system calibration. Resolved:** That:

17 1. An operator shall complete training offered by the manufacturer of a system or the
18 manufacturer's representative in the procedures for setting up, testing and operating the
19 system, including training on any device critical to the operation of the system. Upon
20 completion of the training, the manufacturer or manufacturer's representative shall issue a
21 signed certificate to the operator. The signed certificate must be admitted as evidence in
22 any court proceeding for an alleged violation of section 4;

23 2. An operator shall complete and sign a daily log for a system. The daily log must:

24 A. State the date, time and location of the system's setup;

25 B. State that the operator successfully performed and the system passed the testing
26 specified by the manufacturer of the system;

27 C. Be kept on file at the principal office of the operator; and

28 D. Be admitted in any court proceeding for an alleged violation of section 4; and

29 3. A system must undergo an annual calibration check performed at a calibration
30 laboratory. The calibration laboratory shall issue a signed certificate of calibration after the
31 annual calibration check. The signed certificate of calibration must be kept on file and
32 admitted as evidence in any court proceeding for an alleged violation of section 4.

33 **Sec. 7. Notice of violation. Resolved:** That:

34 1. The notice of violation for an alleged violation of section 4 must include:

35 A. A copy of the recorded image showing the motor vehicle with the motor vehicle's
36 license plate visible;

37 B. The registration number and state of issuance of the motor vehicle registration;

38 C. Verification that the system was operating correctly at the time of the alleged
39 violation and the date of the most recent calibration check under section 6, subsection
40 3; and

41 D. The date, time and location of the alleged violation;

1 2. For an alleged violation of section 4 involving a motor vehicle registered in the State,
2 the notice of violation must be mailed not later than 30 days after the commission of the
3 alleged violation or after the identity of the owner of the motor vehicle is ascertained,
4 whichever is later, to the address of the owner that is in the records of the Department of
5 the Secretary of State, Bureau of Motor Vehicles;

6 3. For an alleged violation of section 4 involving a motor vehicle registered in another
7 jurisdiction, the notice of the violation must be mailed no later than 30 days after the
8 identity of the owner of the motor vehicle is ascertained to the address of the owner that is
9 in the records of the official in the other jurisdiction issuing the registration;

10 4. The notice of violation for an alleged violation of section 4 is invalid unless the
11 notice is mailed to the owner of the motor vehicle no later than 90 days after the alleged
12 violation of section 4; and

13 5. The notice of violation for an alleged violation of section 4 must be sent by first-
14 class mail. A manual or automatic record of mailing prepared by the operator in the
15 ordinary course of business is prima facie evidence of mailing and is admissible in any
16 court proceeding as to the facts contained in the notice.

17 **Sec. 8. Defenses. Resolved:** That the following defenses are available to the owner
18 of a motor vehicle identified by a system as allegedly violating section 4:

19 1. The violation took place during a period of time in which the motor vehicle had been
20 reported to a law enforcement unit as being stolen, as described in the Maine Revised
21 Statutes, Title 17-A, section 360, subsection 1, paragraph A, and had not been recovered
22 prior to the time of the violation; or

23 2. The system was not in compliance with the provisions of section 6 relating to tests
24 for accuracy, certification or calibration.

25 A motor vehicle owner who receives a notice of violation under section 7 must follow
26 the procedures set forth in the Maine Rules of Civil Procedure, Rule 80F.

27 **Sec. 9. Information to authority and vendor. Resolved:** That the Department
28 of the Secretary of State, Bureau of Motor Vehicles shall provide the authority and any
29 vendor with information regarding the owner of a motor vehicle identified by a system as
30 allegedly violating the provisions of section 4. The information must include the make and
31 license plate number of the motor vehicle and the name and address of the owner of the
32 motor vehicle.

33 **Sec. 10. Motor vehicle registration when penalty for exceeding speed limit**
34 **in highway work zone detected by system is unpaid. Resolved:** If a motor vehicle
35 owner does not pay the fine imposed for a violation of section 4 or the owner is found guilty
36 at a trial for the commission of the violation, the Department of the Secretary of State,
37 Bureau of Motor Vehicles may suspend the registration or refuse to register the motor
38 vehicle involved in the violation.

39 **Sec. 11. Personally identifiable information. Resolved:** That:

40 1. Personally identifiable information may not be sold or disclosed by the authority or
41 a vendor to any person or entity except when the disclosure is made:

1 A. In connection with the charging, collection and enforcement of the fines imposed
2 pursuant to section 4;

3 B. Pursuant to a judicial order, including a search warrant or subpoena, in a criminal
4 proceeding; or

5 C. To comply with federal or state laws, rules or regulations;

6 2. Personally identifiable information may not be stored or retained by the authority or
7 a vendor unless such information is necessary for the collection and enforcement of the
8 fines imposed pursuant to section 4;

9 3. The authority or a vendor may disclose aggregate information and other data
10 gathered from a system that does not directly or indirectly identify an owner of a motor
11 vehicle or a motor vehicle for research purposes authorized by the director;

12 4. Except as otherwise provided by law or in connection with an administrative
13 summons or judicial order, including a search warrant or subpoena, in a criminal
14 proceeding, the authority or a vendor shall destroy personally identifiable information and
15 other data that specifically identifies an owner of a motor vehicle or a motor vehicle and
16 relates to a violation of section 4 no later than one year after any fine is imposed or the
17 resolution of a trial conducted for the alleged commission of the violation; and

18 5. Personally identifiable information is not a public record under the Maine Revised
19 Statutes, Title 1, section 402, subsection 3.

20 **Sec. 12. Rules. Resolved:** That the director shall adopt rules to carry out the purposes
21 of this resolve, including rules that establish the criteria that must be met before a system
22 may be operated in a highway work zone. Rules adopted pursuant to this section are routine
23 technical rules under the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

24 **Sec. 13. Report. Resolved:** That, by November 1, 2028, the director shall submit a
25 report evaluating the pilot program along with any recommended legislation to the joint
26 standing committee of the Legislature having jurisdiction over transportation matters,
27 which may report out legislation to the 134th Legislature in 2029.

28 SUMMARY

29 This resolve authorizes the Maine Turnpike Authority to conduct a pilot program to
30 implement up to 3 automated speed control systems at a time in highway work zones on
31 limited access highways in the State for 3 years. The system produces an image of a motor
32 vehicle exceeding the posted speed limit by 11 miles an hour or more in the highway work
33 zone, including the motor vehicle's license plate number, and a notice of violation is sent
34 to the owner of the motor vehicle, who is subject to a warning for a first offense and a fine
35 for a 2nd or subsequent offense. The system is maintained by an operator who is responsible
36 for calibrating the system and certifying that the system is in proper working order.
37 Personally identifiable information of motor vehicle owners and motor vehicles captured
38 by the system is confidential and not a public record under the Freedom of Access Act.