

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FOURTH LEGISLATURE

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Legislative Document

No. 392

S. P. 130

In Senate, January 28, 1969

Referred to Committee on Judiciary. Sent down for concurrence and ordered printed.

JERROLD B. SPEERS, Secretary

Presented by Senator Mills of Franklin.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-NINE

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**AN ACT to Clarify the Law Relating to Measuring Devices of Speed of Motor Vehicles.**

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**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, there have been questions raised as to the applicability of the law relating to the use of speed measuring devices by law enforcement authorities on the highways of the State of Maine; and

Whereas, excessive speed is one of the primary causes of motor vehicle accidents within this State; and

Whereas, the surest manner to clarify the existing prima facie evidence law in relation to speed measuring devices is to clarify the existing statutes; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore

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

**R. S., T. 29, § 1254, amended.** The first paragraph of section 1254 of Title 29 of the Revised Statutes, as amended by chapter 545 of the public laws of 1967, is further amended to read as follows:

The speed of any motor vehicle may be measured by the use of radar or any other electronic device which measures speed by radiomicro waves or otherwise, or by the use of a device mounted within a motor vehicle operated

by a law enforcement officer which measures in any sequence a selected distance traversed by the motor vehicle operated by the law enforcement officer and the time required by another motor vehicle to traverse that same distance, and computes therefrom the average speed of such other motor vehicle in traversing such distance. The results of any such ~~measurement~~ measurements shall be accepted as prima facie evidence of the speed of ~~such~~ the motor vehicle **under surveillance** in any court in criminal proceedings where the speed of the motor vehicle **under surveillance** is at issue.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.