

MAINE STATE LEGISLATURE

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R. of S.

L.D. 633

(Filing No. S-90)

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STATE OF MAINE
SENATE
115TH LEGISLATURE
FIRST REGULAR SESSION

SENATE AMENDMENT " A " to COMMITTEE AMENDMENT "A" to H.P. 443, L.D. 633, Bill, "An Act Relating to Violations Involving the Disregard of Red Flashing Lights on School Buses"

Amend the amendment in subsection 2-A by striking out all of paragraphs C and D (page 1, lines 42 to 47 and page 2, lines 2 to 32 in amendment) and inserting in their place the following:

'C. If, in a prosecution of a civil violation initiated pursuant to this subsection, the State proves by a preponderance of the evidence that a motor vehicle owned by a registered owner illegally passed a school bus, there is a rebuttable presumption that the registered owner was operating the vehicle at the time of the violation.

D. The registered owner may rebut the presumption created by paragraph C if the registered owner proves by a preponderance of the evidence that the registered owner was not operating the vehicle at the time of the violation.'

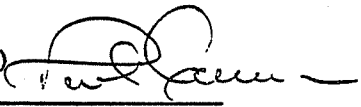
STATEMENT OF FACT

This amendment removes the language contained in the committee amendment that provides that, except in certain limited circumstances, it is not a defense that the registered owner was not operating the vehicle at the time the vehicle illegally passed a school bus.

SENATE AMENDMENT " A " to COMMITTEE AMENDMENT "A" to H.P. 443,
L.D. 633

2 The amendment substitutes language that provides that once
3 the State proves that the vehicle illegally passed a school bus,
4 a rebuttable presumption arises that the registered owner
5 operated the vehicle. The registered owner may rebut the
6 presumption by a preponderance of the evidence. This language
7 accomplishes the intent without affecting the traditional burden
8 of proof in civil violations.

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(Senator GAUVREAU) 
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