

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 728, L.D. 948, Bill, "An Act Creating a Pilot Project to Provide Video Camera Surveillance at Intersections in Ellsworth"

Amend the amendment by striking out the substitute title and replacing it with the following:

'An Act Providing for Photographic Law Enforcement and Creating a Pilot Project to Provide Video Camera Surveillance in up to 2 Municipalities'

Further amend the amendment in section 1 in that part designated "~~§2089.~~" by striking out all of the first 2 lines (page 1, lines 36 and 37 in amendment) and inserting in their place the following:

'§2089. Registered owner's liability for vehicle identified by photographic law enforcement as failing to obey traffic-control device or work zone speed limit'

Further amend the amendment in section 1 in that part designated "~~§2089.~~" by striking out all of subsections 1 to 5 (page 1, lines 39 to 48; page 2, lines 1 to 50; and page 3, lines 1 to 15 in amendment) and inserting in their place the following:

'1. Traffic infraction. A person who is a registered owner of a vehicle at the time that vehicle is involved in a violation of section 2057 and section 2075, subsection 2 as identified by photographic law enforcement commits a traffic infraction. For purposes of this section, "registered owner" includes a person issued a dealer or transporter registration plate. For purposes of this section, "photographic law enforcement" means the use of still or video cameras by the department, law enforcement or a municipality that photograph a motor vehicle's license plate.'

R. of S.

2 2. Warning for violation. A law enforcement officer may
cause the registered owner of a vehicle to be served with a
warning for a violation of this section.

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6 3. Presumption that registered owner operating vehicle.
Except as provided in subsection 4, it is not a defense to a
violation of this section that the registered owner of the
8 vehicle was not operating the vehicle at the time of the
violation.

10
12 4. Defenses. The following are defenses to a violation of
this section.

14 A. If a person other than the registered owner is operating
16 the vehicle at the time of the violation of section 2057,
18 subsection 1 and is convicted of that violation, the
registered owner may not be issued a warning for a violation
of this section.

20 B. If the registered owner is a lessor of vehicles and at
22 the time of the violation the vehicle was in the possession
24 of a lessee and the lessor provides the law enforcement
26 officer with a copy of the lease agreement containing the
information required by section 254, the lessor may not be
issued a warning under this section.

28 C. If the vehicle is operated using a dealer or transporter
30 registration plate and at the time of the violation the
32 vehicle was operated by any person other than the dealer or
34 transporter and if the dealer or transporter provides the
investigating officer with the name and address of the
person who had control over the vehicle at the time of the
violation, that person, not the dealer or transporter, may
be issued a warning under this section.

36 D. If a report that the vehicle was stolen is given to a
38 law enforcement officer or agency before the violation
40 occurs or within a reasonable time after the violation
42 occurs and an investigation determines the vehicle was
stolen, the registered owner may not be issued a warning
under this section.

44 5. Use of cameras. Cameras used for photographic law
enforcement must be designed, installed and used in such a way
46 that only the image of an offending vehicle is captured. Vehicle
occupants may not be intentionally photographed. If vehicle
48 occupants are photographed, this photograph is confidential.
Only the license plate and vehicle may be used for identification
50 purposes. All violations must be reviewed by applicable law
enforcement agencies before a warning is issued.'

REPS

2 Further amend the amendment by inserting after subsection 6
on page 3 the following:

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6 **'Sec. 2. Pilot project.** The Department of Transportation, in
8 coordination with affected municipal law enforcement agencies, is
10 authorized to conduct a pilot project to determine the
12 effectiveness of photographic law enforcement of traffic laws,
14 subject to the availability of federal funds expended by the
16 department. The department or its contractor, with the approval
18 of the municipal officers of affected municipalities, is
20 authorized to install cameras at up to 5 intersections in up to 2
22 municipalities to identify violations of the Maine Revised
24 Statutes, Title 29-A, section 2057 and to install cameras and
26 speed-measuring devices at up to 5 construction work zones to
identify violations of Title 29-A, section 2075, subsection 2.
Cameras must be designed, installed and used in a manner that
complies with the requirements of Title 29-A, section 2089,
subsection 5. The department shall submit a report on the pilot
project, if performed, to the joint standing committee of the
Legislature having jurisdiction over transportation matters on or
before December 31, 2003. The report must address the number of
warnings issued, the number of motor vehicle crashes before and
after photographic law enforcement, the cost to implement,
maintain and administer the project and any significant privacy
concerns raised during the pilot project.'

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30 **FISCAL NOTE**

32 This amendment removes the fiscal impact to the Judicial
Department since it changes the penalty for violations from an
infraction to a warning.

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36 **SUMMARY**

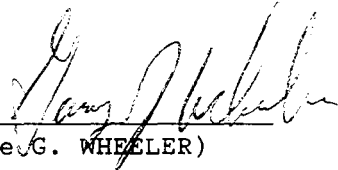
38 This amendment clarifies that the presumption that the owner
40 was operating a vehicle at the time of a violation of the laws
42 governing traffic-control devices or work zone speed limits, as
44 specified in Committee Amendment "A," applies only to the
46 registered owners of offending vehicles captured by photographic
law enforcement. This amendment also changes the penalty for a
violation of the laws governing traffic-control devices or work
zone speed limits captured by photographic law enforcement from
an infraction to a warning.

12/15

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 728, L.D.
948

2 The amendment maintains the provision of the committee
amendment regarding the establishment of a pilot program by the
Department of Transportation.

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SPONSORED BY: 
(Representative G. WHEELER)

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10 TOWN: Eliot

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HOUSE AMENDMENT