

MAINE STATE LEGISLATURE

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MAJORITY
TRANSPORTATION

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

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 bill by striking out the title and substituting the following:

'An Act Creating a Pilot Project to Provide Video Camera Surveillance at Certain Intersection in up to 2 Municipalities in the State'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 29-A MRSA §2089 is enacted to read:

§2089. Registered owner's liability for vehicle failing to obey traffic-control device or work zone speed limit

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 commits a traffic infraction unless a defense applies pursuant to subsection 4. For purposes of this section, "registered owner" includes a person issued a dealer or transporter registration plate.

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

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

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

A. If a person other than the registered owner is operating the vehicle at the time of the violation of section 2057, subsection 1 and is convicted of that violation, the registered owner may not be found in violation of this section.

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

C. If the vehicle is operated using a dealer or transporter registration plate and at the time of the violation the vehicle was operated by any person other than the dealer or 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 charged under this section.

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

5. Pilot project. The department, in coordination with affected municipal law enforcement agencies, is authorized to conduct a pilot project to determine the effectiveness of photographic law enforcement of traffic laws, subject to the availability of federal funds expended by the department. The department or its contractor, with the approval of the municipal officers of affected municipalities, is authorized to install cameras at up to 5 intersections in up to 2 municipalities to identify violations of section 2057 and to install cameras and speed measuring devices at up to 5 construction work zones to identify violations of section 2075, subsection 2. Cameras must be designed, installed and used in such a way that only the image of offending vehicles may be captured. The image of vehicle

occupants may not be intentionally photographed. If the image of vehicle occupants is photographed, this photograph is confidential. Only the license plate and vehicle may be used for identification purposes. All violations must be reviewed by applicable law enforcement agencies before a citation is issued.

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 violations, the disposition of violations, the number of motor vehicle crashes before and after photographic law enforcement, the cost to implement, maintain and administer the project, the revenue derived from fines and any significant privacy concerns raised during the pilot project.

~~6. Repealed. This section is repealed on December 31, 2003.~~

Further amend the bill by inserting at the end before the summary the following:

FISCAL NOTE

This bill may significantly increase the Judicial Department's workload as a result of a substantially higher trial request rate for infractions that allow for the charging of registered owners rather than drivers, the potential for a greater number of infractions being identified as a result of video surveillance and an anticipated increase in the number of cases that may be appealed to the Law Court. The overall effect this bill will have on the Judicial Department's budgeted expenditures and revenues can not be determined at this time.

The Department of Transportation will incur some minor additional costs to conduct a pilot project pertaining to the photographic enforcement of traffic laws and to submit a report to the Legislature. These costs can be absorbed within the department's existing budgeted resources.'

SUMMARY

This amendment provides that a person who is a registered owner of a vehicle at the time that vehicle is involved in a violation of the laws governing traffic control devices or work zone speed limits commits a traffic infraction unless a defense applies. It also provides authority to the Department of Transportation to conduct a pilot project to enforce the laws

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2 governing traffic-control devices and work zone speed limits
using photographic methods. It also adds a fiscal note to the
bill.

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