

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

---

Legislative Document

No. 1081

H.P. 799

House of Representatives, March 4, 2003

### **An Act To Allow the Use of Cameras for Enforcement of Traffic Light Violations**

---

Reference to the Committee on Transportation suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative SUSLOVIC of Portland.  
Cosponsored by Senator SAWYER of Penobscot and  
Representatives: BROWNE of Vassalboro, EDER of Portland, JACKSON of Fort Kent,  
KOFFMAN of Bar Harbor, LESSARD of Topsham, MARLEY of Portland, MILLS of  
Cornville, USHER of Westbrook.

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

4 **Sec. 1. 29-A MRSA §101, sub-§85-A** is enacted to read:

6 **85-A. Traffic light violation monitoring system.** "Traffic  
8 light violation monitoring system" means a vehicle sensor  
10 installed to work in conjunction with a lighted traffic control  
12 device as defined in section 2057, subsection 1 or 3 that  
automatically produces one or more photographs, one or more  
microphotographs, a videotape or other recorded images of each  
vehicle at the time the vehicle is operated in violation of state  
law.

14 **Sec. 2. 29-A MRSA §2075, sub-§3, ¶D,** as amended by PL 2001, c.  
16 313, §1, is further amended to read:

18 D. With the approval of the Department of Transportation  
20 and the Chief of the State Police, increase or decrease the  
22 speed limit on through ways by erecting standard signs  
giving notice of the speed limit in accordance with the  
latest edition of the Manual on Uniform Traffic Control  
Devices published by the Federal Highway Administration; and

24 **Sec. 3. 29-A MRSA §2075, sub-§3, ¶E,** as enacted by PL 2001, c.  
26 313, §1, is amended to read:

28 E. Subject to the provisions of this paragraph, if it is a  
30 qualifying municipality, set speed limits on qualifying  
32 roads. As used in this paragraph, "qualifying municipality"  
34 means a municipality that has a population of 2,500 or more  
36 as measured by the latest decennial United States census or  
that employs a professional engineer licensed in this  
State. As used in this paragraph, "qualifying road" means a  
town way that is classified as local by the Department of  
Transportation in accordance with the federal functional  
classification system.

38 If a qualifying municipality decides to set speed limits in  
40 accordance with this paragraph, the municipality shall  
42 provide written notice of that determination to the  
Commissioner of Transportation and shall set speed limits  
for all qualifying roads in that municipality.

44 Unless otherwise approved as provided in paragraph D, speed  
46 limits set by a municipality must be in 5-mile-per-hour  
increments within the following ranges:

- 48 (1) From 20 to 25 miles per hour, inclusive, regarding  
50 roads in a business or residential district or a  
compact area, except that the lower limit may be set at

2 15 miles per hour on roads on islands not accessible by  
road or dead end roads less than 1/4 mile in length; and  
4 (2) From 30 to 50 miles per hour, inclusive, regarding  
roads in all other areas.

6  
8 Prior to establishing a speed limit, the municipality must  
perform a traffic investigation that reviews the factors  
10 identified in the applicable sections of the Manual on  
Uniform Traffic Control Devices. The municipal officers  
12 shall validate that speed limit in accordance with the  
procedure for establishing municipal traffic ordinances set  
14 forth in Title 30-A, section 3009, post standard speed limit  
signs in accordance with the Manual on Uniform Traffic  
16 Control Devices and provide written notice of that speed  
limit zone to the Commissioner of Transportation on forms  
approved by the Department of Transportation.

18  
20 The Department of Transportation may require a municipality  
with a population of 5,000 or more as measured by the latest  
22 decennial United States census that has not provided written  
notice to the department that the municipality will set  
24 speed limits in accordance with this paragraph to provide  
the department with all data necessary to set such speed  
limits. The nature, extent and form of that data must be  
26 acceptable to the department and may include, without  
limitation, the reason for the request, length and location  
28 of the proposed speed zone, road width, number of driveways  
in that zone, traffic volume, posted speed, prevailing speed  
30 as measured by radar, accident history and speed enforcement  
efforts; and

32 **Sec. 4. 29-A MRSA §2075, sub-§3, ¶F** is enacted to read:

34 F. Install and operate traffic light violation monitoring  
36 systems.

38 **Sec. 5. 29-A MRSA §2075, sub-§6** is enacted to read:

40 6. State and county authority. The State or a county may  
42 install and operate traffic light violation monitoring systems.

44 **Sec. 6. 29-A MRSA §2601-A** is enacted to read:

46 §2601-A. Enforcement actions using evidence from a traffic  
light violation monitoring system

48 The process and rules of evidence described in this section  
apply in enforcement actions for violations of state law in which

2 evidence is obtained by the use of a traffic light violation  
monitoring system.

4 1. Proof of violation. Evidence from information obtained  
from a traffic light violation monitoring system is admissible to  
6 prove a violation of state law. A certificate or a facsimile  
8 sworn to or affirmed by a state, county or municipal person  
qualified to operate a traffic light violation monitoring system,  
10 based on inspection of photographs, microphotographs, videotape  
or other recorded images produced by a traffic light violation  
12 monitoring system, must be accepted as prima facie evidence of  
all facts contained therein or thereon. A photograph,  
14 microphotograph, videotape or other recorded image evidencing  
such a violation must be available for inspection in a proceeding  
16 to adjudicate liability for that violation.

18 2. Rebuttable presumption of identity of violator. In the  
prosecution of an offense established under this Title, prima  
20 facie evidence that the vehicle described in the summons issued  
pursuant to this section was operated in violation of state law,  
22 together with proof that the defendant was at the time of that  
violation the registered owner of the vehicle, constitutes a  
24 rebuttable presumption that the registered owner of the vehicle  
was the person who committed the violation. This presumption is  
26 rebutted if:

28 A. A person other than the owner is convicted of illegally  
operating the vehicle at the time of the violation. In this  
30 case, the registered owner may not be found liable under  
this section;

32 B. The registered owner is a lessor of vehicles and at the  
time of the violation the vehicle was in the possession of a  
34 lessee and the lessor provides the investigating officer  
with a copy of the lease agreement containing the  
36 information required by section 254. In this case, the  
lessee, but not the lessor, may be charged under this  
38 section;

40 C. The vehicle is operated using a dealer or transporter  
registration plate and at the time of the violation the  
42 vehicle was operated by any person other than the dealer or  
transporter, and if the dealer or transporter provides the  
44 investigating officer with the name and address of the  
person who had control over the vehicle at the time of the  
46 violation. In this case, that person, but not the dealer or  
transporter, may be charged under this section; or

48 D. A report that the vehicle was stolen is given to a law  
50 enforcement officer or agency before the violation occurred

2 or within a reasonable time after the violation occurred.  
3 In this case, the registered owner may not be charged under  
4 this section.

5  
6 **3. Service of Violation Summons and Complaint; notice**  
7 **requirements.** Notwithstanding any other requirements in this  
8 subchapter or any other law, a Violation Summons and Complaint  
9 based on evidence obtained from a traffic light violation  
10 monitoring system may be served by mailing by first class mail a  
11 copy of the Violation Summons and Complaint and the certificate  
12 on which it is based to the address of the registered owner of  
13 the vehicle as shown on the records of the Bureau of Motor  
14 Vehicles.

15  
16 The mailing must also inform the alleged violator that the  
17 enforcement action is based on evidence obtained from a traffic  
18 light violation monitoring system and that the evidence may be  
19 viewed at a specific time and place by calling a specified  
20 telephone number to set up the viewing. A clear copy of the  
21 evidence may be enclosed as a substitute for the viewing.

22 All other provisions in this subchapter apply to an enforcement  
23 action based on evidence obtained from a traffic light violation  
24 monitoring system.

25  
26 **4. Use of evidence in other legal actions.** In any action  
27 brought by a person or entity as a result of personal injury or  
28 death or damage to property, evidence derived from a traffic  
29 light violation monitoring system is admissible in the same  
30 manner prescribed for prosecution of an offense established under  
31 this section without the requirements of authentication otherwise  
32 required by law and has the same evidentiary effect as described  
33 in this section.

34

35

## SUMMARY

36

37 **38** Current law requires a police officer to observe a violation  
38 of a traffic control device, stop the violator, issue a summons  
39 and complaint and often go to court.  
40

41

42 This bill is based on laws in other states that permit the  
43 use of evidence obtained from unmanned, automatic cameras to  
44 prosecute and prove traffic violations. The owner of the vehicle  
45 photographed or otherwise recorded violating a traffic control  
46 device is rebuttably presumed to be the violator. Evidence from  
the cameras may also be used in other legal actions.