

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

SECOND REGULAR SESSION-2008

Legislative Document

No. 2244

H.P. 1605

House of Representatives, March 4, 2008

An Act Concerning Traffic Safety Cameras

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Transportation suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative PILON of Saco.
Cosponsored by Senator DAMON of Hancock and
Representative: MARLEY of Portland.

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

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

3 **85-A. Traffic light violation monitoring system.** "Traffic light violation
4 monitoring system" means a vehicle sensor installed to work in conjunction with a lighted
5 traffic control device as described in section 2057, subsections 1 and 3 that automatically
6 produces one or more photographs, one or more microphotographs, a videotape or other
7 recorded image of a vehicle at the time the vehicle is operated in violation of state law.

8 **Sec. 2. 29-A MRSA §2075, sub-§3, ¶E,** as amended by PL 2003, c. 92, §3, is
9 further amended to read:

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

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

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

23 (1) From 20 to 25 miles per hour, inclusive, regarding roads in a business or
24 residential district or a compact area, except that the lower limit may be set at 15
25 miles per hour on roads on islands not accessible by road or dead end roads less
26 than 1/4 mile in length; and

27 (2) From 30 to 50 miles per hour, inclusive, regarding roads in all other areas.

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

36 The Department of Transportation may require a municipality with a population of
37 5,000 or more as measured by the latest decennial United States census that has not
38 provided written notice to the department that the municipality will set speed limits in
39 accordance with this paragraph to provide the department with all data necessary to
40 set such speed limits. The nature, extent and form of that data must be acceptable to
41 the department and may include, without limitation, the reason for the request, length

1 and location of the proposed speed zone, road width, number of driveways in that
2 zone, traffic volume, posted speed, prevailing speed as measured by radar, accident
3 history and speed enforcement efforts; and

4 **Sec. 3. 29-A MRSA §2075, sub-§3, ¶F**, as enacted by PL 2003, c. 92, §4, is
5 amended to read:

6 F. With the approval of the Department of Transportation and the Chief of the State
7 Police, and in accordance with the latest edition of the Manual on Uniform Traffic
8 Control Devices published by the Federal Highway Administration, designate a
9 school zone to which the speed limits in section 2074, subsection 1, paragraph A
10 apply; and

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

12 G. Install and operate traffic light violation monitoring systems.

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

14 6. State, county and municipal authority. The State or a county or municipality
15 may install and operate traffic light violation monitoring systems.

16 **Sec. 6. 29-A MRSA §2609** is enacted to read:

17 **§2609. Enforcement actions using evidence from a traffic light violation monitoring**
18 **system**

19 The process and rules of evidence described in this section apply in enforcement
20 actions for violations of state law in which evidence is obtained by the use of a traffic
21 light violation monitoring system.

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

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

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

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

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

12 D. A report that the vehicle was stolen is given to a law enforcement officer or
13 agency before the violation occurred or within a reasonable time after the violation
14 occurred. In this case, the registered owner may not be charged under this section.

15 **3. Service of Violation Summons and Complaint; notice requirements.**
16 Notwithstanding any other requirements in this subchapter or any other law, a Violation
17 Summons and Complaint based on evidence obtained from a traffic light violation
18 monitoring system may be served by mailing by first class mail a copy of the Violation
19 Summons and Complaint and the certificate on which it is based to the address of the
20 registered owner of the vehicle as shown on the records of the bureau.

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

26 **4. Revenue to county or municipality.** Notwithstanding any provision of law to the
27 contrary, 50% of the revenue collected as a result of an enforcement action arising from
28 evidence obtained from a traffic light monitoring system must be returned to the county
29 or municipality that installed and was operating the traffic light monitoring system at the
30 time of the enforcement action. Each county or municipality shall certify monthly to the
31 Treasurer of State the amount of revenue collected pursuant to this section as a result of a
32 traffic light monitoring system. Within 15 days of receipt of this certification, the
33 Treasurer of State shall forward 50% of that certified amount to the county or
34 municipality.

35 **SUMMARY**

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

38 This bill is based on laws in other states that permit the use of evidence obtained from
39 unmanned, automatic cameras to prosecute and prove traffic violations. Traffic light
40 violation monitoring systems may be installed by the State or a county or municipality.
41 The owner of the vehicle photographed or otherwise recorded violating a traffic control

1 device is rebuttably presumed to be the violator, similar to current Maine law regarding
2 passing a stopped school bus or a traffic violation at an emergency scene.

3 This bill also requires 50% of the revenue generated by a traffic light monitoring
4 system to be returned to the county or municipality that installed and was operating the
5 system at the time of the enforcement action.