

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 1174

H.P. 813

House of Representatives, March 25, 2009

An Act To Allow the Use of Cameras To Enforce Traffic Violations

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 BLISS of Cumberland and
Representatives: BRYANT of Windham, CLEARY of Houlton, CONNOR of Kennebunk,
Speaker PINGREE of North Haven, PRIEST of Brunswick, SCHATZ of Blue Hill,
VALENTINO of Saco, Senator: HOBBS of York.

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 or a lane direction control device, as described in section 2057,
6 subsections 1 and 3, that automatically produces one or more photographs, one or more
7 microphotographs, a videotape or other recorded image of a vehicle at the time the
8 vehicle is operated in violation of state law.

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

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

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

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

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

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

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

37 The Department of Transportation may require a municipality with a population of
38 5,000 or more as measured by the latest decennial United States census that has not
39 provided written notice to the department that the municipality will set speed limits in
40 accordance with this paragraph to provide the department with all data necessary to
41 set such speed limits. The nature, extent and form of that data must be acceptable to

1 the department and may include, without limitation, the reason for the request, length
2 and location of the proposed speed zone, road width, number of driveways in that
3 zone, traffic volume, posted speed, prevailing speed as measured by radar, accident
4 history and speed enforcement efforts; and

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

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

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

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

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

15 **6. State and municipal authority.** The State or a municipality may install and
16 operate traffic light violation monitoring systems.

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

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

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

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

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

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

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

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

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

18 **3. Service of Violation Summons and Complaint; notice requirements.**

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

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

29 **4. Use of revenue.** Notwithstanding any provision of law to the contrary, the
30 revenue collected as a result of an enforcement action arising from evidence obtained
31 from a traffic light violation monitoring system must be returned to the municipality that
32 purchased, installed and was operating the traffic light violation monitoring system at the
33 time of the enforcement action, but only until the municipality has been reimbursed for
34 the cost of purchasing and installing the traffic light violation monitoring system. Each
35 municipality shall notify the Treasurer of State of the cost incurred and certify monthly to
36 the Treasurer of State the amount of revenue collected pursuant to this section as a result
37 of a traffic light violation monitoring system. Within 15 days of receipt of this
38 certification, the Treasurer of State shall forward that certified amount to the municipality
39 until the municipality has been fully reimbursed. After that time, the revenue collected as
40 a result of an enforcement action arising from evidence obtained from a traffic light
41 violation monitoring system must be deposited in the Courthouse Security Fund
42 established pursuant to Title 4, section 58 and used for the purposes specified in that
43 section.

1 **SUMMARY**

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

4 This bill is based on laws in other states that permit the use of evidence obtained from
5 unmanned, automatic cameras to prosecute and prove traffic violations. Traffic light
6 violation monitoring systems may be installed by the State or a municipality. The owner
7 of the vehicle photographed or otherwise recorded violating a traffic control device is
8 rebuttably presumed to be the violator, similar to current Maine law regarding passing a
9 stopped school bus or a traffic violation at an emergency scene.

10 This bill also requires the revenue generated by a traffic light violation monitoring
11 system to be returned to the municipality that purchased, installed and was operating the
12 system at the time of the enforcement action but only until such time as the municipality
13 has been reimbursed for its expense. After that, the revenue is deposited in the
14 Courthouse Security Fund to be used to improve security and improve public safety at
15 court facilities.