

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "A" to H.P. 854, L.D. 1234, Bill, "An Act To Regulate the Use of Traffic Surveillance Cameras"

Amend the bill by striking out all of section 1 and inserting the following:

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

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

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

E. Subject to the provisions of this paragraph, if it is a qualifying municipality, set speed limits on qualifying roads. As used in this paragraph, "qualifying municipality" means a municipality that has a population of 2,500 or more 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.

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

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

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

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



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

9 The Department of Transportation may require a municipality with a population of
10 5,000 or more as measured by the latest decennial United States census that has not
11 provided written notice to the department that the municipality will set speed limits in
12 accordance with this paragraph to provide the department with all data necessary to
13 set such speed limits. The nature, extent and form of that data must be acceptable to
14 the department and may include, without limitation, the reason for the request, length
15 and location of the proposed speed zone, road width, number of driveways in that
16 zone, traffic volume, posted speed, prevailing speed as measured by radar, accident
17 history and speed enforcement efforts; and

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

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

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

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

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

28 6. State and municipal authority. The State or a municipality may install and
29 operate traffic light violation monitoring systems.

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

31 §2609. Enforcement actions using evidence from a traffic light violation monitoring
32 system

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

36 1. Proof of violation. Evidence from information obtained from a traffic light
37 violation monitoring system is admissible to prove a violation of state law. A certificate
38 or a facsimile sworn to or affirmed by an agent or employee of the State or municipality
39 qualified to operate a traffic light violation monitoring system, based on inspection of
40 photographs, microphotographs, videotape or other recorded images produced by a traffic
41 light violation monitoring system, must be accepted as prima facie evidence of all facts
42 contained therein or thereon. A photograph, microphotograph, videotape or other

1 recorded image evidencing such a violation must be available for inspection in a
2 proceeding to adjudicate liability for that violation.

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

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

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

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

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

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

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

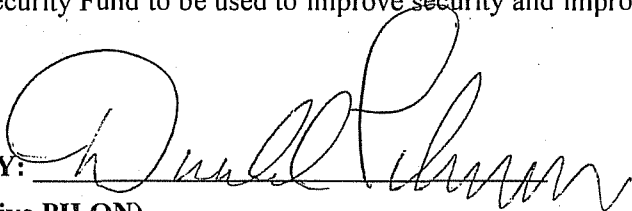
37 **4. Use of revenue.** Notwithstanding any provision of law to the contrary, the
38 revenue collected as a result of an enforcement action arising from evidence obtained
39 from a traffic light violation monitoring system must be returned to the municipality that
40 purchased, installed and was operating the traffic light violation monitoring system at the
41 time of the enforcement action, but only until the municipality has been reimbursed for
42 the cost of purchasing and installing the traffic light violation monitoring system. Each
43 municipality shall notify the Treasurer of State of that cost incurred and certify monthly
44 to the Treasurer of State the amount of revenue collected pursuant to this section as a

1 result of a traffic light violation monitoring system. Within 15 days of receipt of this
2 certification, the Treasurer of State shall forward that certified amount to the municipality
3 until the municipality has been fully reimbursed. After that time, the revenue collected as
4 a result of an enforcement action arising from evidence obtained from a traffic light
5 violation monitoring system must be deposited in the Courthouse Security Fund
6 established pursuant to Title 4, section 58 and used for the purposes specified in that
7 section.'

8 **SUMMARY**

9 This amendment strikes the bill and instead permits the use of evidence obtained
10 from unmanned traffic surveillance cameras to prosecute and prove traffic violations.
11 Traffic light violation monitoring systems may be installed by the State or a municipality.
12 The owner of the vehicle photographed or otherwise recorded violating a traffic control
13 device is rebuttably presumed to be the violator, similar to current Maine law regarding
14 passing a stopped school bus or a traffic violation at an emergency scene.

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

21
22 **SPONSORED BY:** 
23 **(Representative PILON)**
24 **TOWN: Saco**

FISCAL NOTE REQUIRED
(See attached)



124th MAINE LEGISLATURE

LD 1234

LR 1659(04)

An Act To Regulate the Use of Traffic Surveillance Cameras

Fiscal Note for House Amendment "A"

Sponsor: Rep. Pilon of Saco

Fiscal Note Required: Yes

Fiscal Note

Potential current biennium cost increase - General Fund
Potential current biennium cost increase - Highway Fund
Potential current biennium revenue decrease - General Fund
Potential current biennium revenue increase - Other Special Revenue Funds

Fiscal Detail and Notes

If the State were to install traffic light violation monitoring systems, there would be a cost to the Highway Fund for purchase and installation. This cost has not been determined at this time. There would also be increased costs to the Department of Public Safety for additional court time for officers due to increased violations and overtime costs could be increased issuing tickets related to the new surveillance.

The additional cost to the Judicial Branch is expected to be significant. Additional General Fund appropriations would be required for computer programming necessary to track individual municipal purchases and other costs. Fine revenue generated by violation monitoring systems would be dedicated to the municipalities until they had been reimbursed for costs and then the fine revenue would go to the Courthouse Security Fund. The loss to the General Fund and subsequent gain in Other Special Revenue Funds revenue to the Courthouse Security Fund can not be estimated at this time and will depend on the timing and number of cameras installed.