

MAINE STATE LEGISLATURE

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MAJORITY

L.D. 1561

Date: 3.5.10

(Filing No. S-401)

TRANSPORTATION

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STATE OF MAINE

SENATE

124TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A." to S.P. 598, L.D. 1561, Bill, "An Act To Regulate the Use of Traffic Surveillance Cameras"

Amend the bill by striking out the title and substituting the following:

'An Act To Regulate the Use of Automated License Plate Recognition Systems'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 29-A MRS §2117-A is enacted to read:

§2117-A. Use of automated license plate recognition systems

1. Definitions. As used in this section, unless the context otherwise indicates, "automated license plate recognition system" means a system of one or more mobile or fixed high-speed cameras combined with computer algorithms to convert images of registration plates into computer-readable data. "Automated license plate recognition system" does not include a photo-monitoring system, as defined in Title 23, section 1980, subsection 2-A, paragraph B, subparagraph (4), when used by the Maine Turnpike Authority or a law enforcement agency for toll enforcement purposes.

2. Prohibition. Except as otherwise provided in subsection 3, a person may not use an automated license plate recognition system.

3. Exception. Subsection 2 does not apply to:

A. The Department of Transportation for the purposes of protecting public safety and transportation infrastructure;

B. The Department of Public Safety, Bureau of State Police for the purposes of commercial motor vehicle screening and inspection; and

C. Any state, county or municipal law enforcement agency when providing public safety, conducting criminal investigations and ensuring compliance with local, state and federal laws. For purposes of this paragraph, an automated license plate recognition system may use only information entered by a law enforcement officer as

COMMITTEE AMENDMENT

1 defined by Title 17-A, section 2, subsection 17 and based on a reasonable articulable
2 suspicion, or records from the National Crime Information Center database.

3 An authorized user under this subsection of an automated license plate recognition system
4 may use an automated license plate recognition system only for the official and legitimate
5 purposes of the user's employer.

6 **4. Confidentiality.** Data collected or retained through the use of an automated
7 license plate recognition system in accordance with subsection 3 are confidential under
8 Title 1, chapter 13 and are available for use only by a law enforcement agency in carrying
9 out its functions or by an agency collecting information under subsection 3 for its
10 intended purpose and any related civil or criminal proceeding.

11 A law enforcement agency may publish and release as public information summary
12 reports using aggregate data that do not reveal the activities of an individual or firm and
13 may share commercial motor vehicle screening data with the Federal Motor Carrier
14 Safety Administration for regulatory compliance purposes.

15 **5. Data retention.** Data collected or retained through the use of an automated
16 license plate recognition system in accordance with subsection 3 that are not considered
17 intelligence and investigative information as defined by Title 16, section 611, subsection
18 8, or data collected for the purposes of commercial motor vehicle screening, may not be
19 stored for more than 21 days.

20 **6. Penalty.** Violation of this section is a Class E crime.

21 **Sec. 2. Working group to study the use of automated license plate**
22 **recognition systems.** The Secretary of State shall establish a working group to study
23 and assess potential issues relating to the use of automated license plate recognition
24 systems by law enforcement agencies and other authorized agencies. In addition to the
25 Secretary of State, the working group must include, but is not limited to, representatives
26 of the Department of Public Safety, Bureau of State Police, representatives of local and
27 county law enforcement, representatives of the Department of Transportation,
28 representatives of the Maine Turnpike Authority and representatives of organizations or
29 individuals representing privacy and constitutional interests.

30 The working group report under section 3 must include a review of a September 2009
31 report, completed by an international association of chiefs of police that studied the
32 privacy impact of enhanced collection, analysis and dissemination of license plate data
33 made possible by automated license plate recognition system technology. The working
34 group report must include model policy or draft legislation, either developed by the
35 working group or by an association representing users of automated license plate
36 recognition systems.

37 **Sec. 3. Report.** The working group under section 2 shall submit a report including
38 its findings and recommendations to the joint standing committee of the Legislature
39 having jurisdiction over transportation matters no later than January 15, 2011. After
40 reviewing the report, the joint standing committee of the Legislature having jurisdiction
41 over transportation matters may submit a bill to the First Regular Session of the 125th
42 Legislature concerning the subject matter of this Act.'

SUMMARY

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This amendment strikes and replaces the bill.

The amendment defines "automated license plate recognition system" as a system of one or more mobile or fixed high-speed cameras combined with computer algorithms to convert images of registration plates into computer-readable data. The amendment clarifies that an automated license plate recognition system does not include a photo-monitoring system used by the Maine Turnpike Authority or a law enforcement agency for toll enforcement purposes.

The amendment prohibits the use of automated license plate recognition systems except by the Department of Transportation for the purposes of protecting public safety and transportation infrastructure, the Department of Public Safety, Bureau of State Police for the purposes of commercial motor vehicle screening and inspection and any state, county or municipal law enforcement agency for the purposes of providing public safety, conducting criminal investigations and ensuring compliance with local, state and federal laws. A law enforcement may agency use an automated license plate recognition system only in conjunction with information entered by a law enforcement officer or information available in the National Crime Information Center database.

The amendment provides that data collected or retained through the use of an automated license plate recognition system are confidential and may be available for use only by a law enforcement agency in carrying out its functions or by an agency collecting information for its intended purpose or a civil or criminal proceeding. The amendment allows a law enforcement agency to publish and release as public information summary reports using aggregate data that do not reveal the activities of an individual or firm. The amendment also allows a law enforcement agency to share commercial motor vehicle screening data with the Federal Motor Carrier Safety Administration for regulatory compliance purposes. The amendment further provides that data collected through the use an automated license plate recognition system that are not intelligence and investigative information, or data collected for the purposes of commercial motor vehicle screening, may not be stored for more than 21 days.

The amendment makes a violation of the automated license plate recognition system provisions a Class E crime.

The amendment directs the Secretary of State to establish a working group to study and assess potential issues relating to the use of automated license plate recognition systems by law enforcement agencies and other authorized agencies. The working group must submit a report including its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over transportation matters no later than January 15, 2011. The amendment gives the joint standing committee of the Legislature having jurisdiction over transportation matters authority to submit a bill to the First Regular Session of the 125th Legislature.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



Approved: 03/04/10 *MAC*

124th MAINE LEGISLATURE

LD 1561

LR 2364(02)

An Act To Regulate the Use of Traffic Surveillance Cameras

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Transportation

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
Minor cost increase - Highway Fund
Minor revenue increase - General Fund
Minor cost increase - Maine Turnpike Authority

Correctional and Judicial Impact Statements

Establishes new Class E crimes.

The collection of additional fines may also increase General Fund revenue by minor amounts.

Fiscal Detail and Notes

Additional costs to the Department of Secretary of State, Department of Public Safety, Department of Transportation and Maine Turnpike Authority to establish and participate in a working group to study and assess potential issues relating to the use of automated license plate recognition systems can be absorbed within existing budgeted resources.