

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 1124

H.P. 836

House of Representatives, March 15, 2011

**An Act To Authorize the Use of Traffic Surveillance Cameras To  
Prove and Enforce Violations of Overtaking and Passing School  
Buses**

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Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative CEBRA of Naples.  
Cosponsored by Senator COLLINS of York and  
Representatives: CRAY of Palmyra, CURTIS of Madison, FITTS of Pittsfield, ROSEN of  
Bucksport, SARTY of Denmark.

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

2 **Sec. 1. 29-A MRSA §2117, last ¶**, as enacted by PL 2009, c. 223, §1, is amended  
3 to read:

4 This section does not apply to a photo-monitoring system, as defined by Title 23,  
5 section 1980, subsection 2-A, paragraph B, subparagraph 4, used by the Maine Turnpike  
6 Authority for toll enforcement purposes or to a traffic surveillance camera that is attached  
7 to a school bus used to enforce the provisions of section 2308. For purposes of this  
8 section, "school bus" has the same meaning as in section 2301, subsection 5.

9 **Sec. 2. 29-A MRSA §2117-A, sub-§3**, as enacted by PL 2009, c. 605, §1, is  
10 amended to read:

11 **3. Exception.** Subsection 2 does not apply to:

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

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

16 C. Any state, county or municipal law enforcement agency when providing public  
17 safety, conducting criminal investigations and ensuring compliance with local, state  
18 and federal laws. For purposes of this paragraph, an automated license plate  
19 recognition system may use only information entered by a law enforcement officer as  
20 defined by Title 17-A, section 2, subsection 17 and based on specific and articulable  
21 facts of a concern for safety, wrongdoing or a criminal investigation or pursuant to a  
22 civil order or records from the National Crime Information Center database or an  
23 official published law enforcement bulletin; and

24 D. A municipality, law enforcement agency or school administrative unit using an  
25 automated license plate recognition system that is attached to a school bus in the  
26 enforcement of the provisions of section 2308. For purposes of this paragraph,  
27 "school bus" has the same meaning as in section 2301, subsection 5.

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

31 **Sec. 3. 29-A MRSA §2602, sub-§4**, as amended by PL 2003, c. 498, §6 and  
32 affected by §12, is further amended to read:

33 **4. Fines.** Except as otherwise provided in this Title, fines ~~and forfeitures~~ collected  
34 under this Title accrue to the General Fund, except that:

35 A. Six percent of fines ~~and forfeitures~~ collected for all traffic infractions, including  
36 fines ~~and forfeitures~~ collected for traffic infractions under section 561-A, accrues to  
37 the Law Enforcement Agency Reimbursement Fund established in Title 4, section  
38 173, subsection 4-B. This paragraph does not apply to sections 525, 1767 and 2363;

1 B. Of the fines ~~and forfeitures~~ collected for traffic infractions under sections 511,  
2 2354, 2356, 2360, 2380, 2387 and 2388, 7% accrues to the General Fund, 6% accrues  
3 to the Law Enforcement Agency Reimbursement Fund and the balance accrues to the  
4 General Highway Fund; ~~and~~

5 C. Of the fines ~~and forfeitures~~ collected for violations other than traffic infractions  
6 under sections 511, 2354, 2356, 2360, 2380, 2387 and 2388, only \$5 or 13%,  
7 whichever is greater, accrues to the General Fund and the balance accrues to the  
8 Highway Fund-; and

9 D. A fine collected for a violation of section 2308 accrues to the municipality in  
10 which the violation occurred.

11 **SUMMARY**

12 The bill allows a municipality, law enforcement agency or school administrative unit  
13 to enforce violations of overtaking and passing a school bus through the use of traffic  
14 surveillance cameras and automated license plate recognition systems that are attached to  
15 a school bus, and requires a fine imposed for a violation of overtaking and passing a  
16 school bus to accrue to the municipality in which the violation occurred.

17 This bill also makes technical corrections by removing references to the term  
18 "forfeitures" to reflect the current usage in the statutes of the term "fine."