

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

N I N E T Y - E I G H T H L E G I S L A T U R E

Legislative Document

No. 1623

S. P. 626

In Senate, October 28, 1957

The Committee on Judiciary suggested.

CHESTER T. WINSLOW, Secretary

Presented by Senator Woodcock of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-SEVEN

AN ACT Relating to Measuring Speed of Motor Vehicles by Radar.

Emergency preamble. Whereas, acts of the Legislature do not become effective until 90 days after adjournment; and

Whereas, the present law relating to measuring speed of motor vehicles by radar has created many uncertainties and has made extremely difficult the enforcement of such law; and

Whereas, speed on our highways has created a problem that must be solved in order to make our highways safe and to protect the property and lives of the motoring public; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

R. S., c. 22, § 113-A, repealed and replaced. Section 113-A of chapter 22 of the Revised Statutes, as enacted by section 1 of chapter 479 of the public laws of 1955, is hereby repealed and the following enacted in place thereof:

'Sec. 113-A. Speed measured by radar. The speed of any motor vehicle may be measured by the use of radar or any other electronic device which measures speed by radiomicro waves or otherwise. The results of such measurement shall be accepted as prima facie evidence of the speed of such motor vehicle in any court or legal proceedings where the speed of the motor vehicle is at issue provided that signs, bearing the words "Speed Measured by Radar," shall appear

on any highway within one mile on each side of the location where radar or other electronic device is being used.

Nothing in this section shall affect the powers of municipalities to adopt and use such devices to measure speed.'

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.

SUMMARY STATEMENT

The present law with reference to radar, which was enacted in 1955, has proved to be unenforceable because an impossible burden of proof was required from the state in order to obtain a conviction.

The 1955 law used the word "primary" highways but did not define them.

It provided that no arrests could be made by means of a radio micro-wave device unless signs were placed at the entrances to the state on all primary highways indicating that the speed was checked by radar. In order to obtain a conviction the state had to show that all signs at all the entrances to the state were properly erected.

There was a further provision that such signs had to be erected outside cities and towns having 3,500 population. This provision proved to be extremely difficult to comply with due to the growth of cities and towns.

The present bill does away with the necessity of signs at the entrances to the state and outside the built-up portion of cities and towns over 3,500 population and requires the State Police to erect temporary signs within one mile in either direction from the spot where they are measuring speed by radar or electronic device.

By this provision every motorist is given adequate warning that his speed may be measured by radar.