

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during
the Second Regular Session of the 124th Maine Legislature coming from the

JOINT STANDING COMMITTEE ON TRANSPORTATION

April 2010

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STATE OF MAINE

124TH LEGISLATURE
SECOND REGULAR SESSION



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the Second Regular Session of the 124th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

<i>CARRIED OVER</i>	<i>Carried over to a subsequent session of the Legislature</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN HOUSES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed; bill died</i>
<i>ONTP (or Accepted ONTP report)</i>	<i>Ought Not To Pass report accepted; bill died</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

The effective date for non-emergency legislation enacted in the Second Regular Session of the 124th Legislature is Monday, July 12, 2010. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

Joint Standing Committee on Transportation

LD 1561

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

PUBLIC 605

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP-AM MAJ OTP MIN	S-401 S-432 BLISS S-453 DAMON

This bill prohibits the use of traffic surveillance cameras to collect data that could be used to uniquely identify a vehicle or individual and adds automated license plate recognition systems to the list of regulated surveillance technology.

Committee Amendment "A" (S-401)

This amendment, which is the majority report of the Joint Standing Committee on Transportation, 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 agency may 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 of 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

Joint Standing Committee on Transportation

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.

Senate Amendment "B" To Committee Amendment "A" (S-432)

This amendment makes specific the factors that must exist when a law enforcement agency is using an automated license plate recognition system.

Senate Amendment "C" To Committee Amendment "A" (S-453)

This amendment removes authority for the joint standing committee of the Legislature having jurisdiction over transportation matters to submit a bill to the First Regular Session of the 125th Legislature.

Enacted Law Summary

Public Law 2009, chapter 605 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 law further 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 law 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 agency may use an automated license plate recognition system only in conjunction with information entered by a law enforcement officer based on specific and articulable facts of a concern for safety, wrongdoing or a criminal investigation or pursuant to a civil order or records from the National Crime Information Center database or an official published law enforcement bulletin.

The law 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. It 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. It also allows a law enforcement agency to share commercial motor vehicle screening data with the Federal Motor Carrier Safety Administration for regulatory compliance purposes. It further provides that data collected through the use of 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.

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