



# 132nd MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2025

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Legislative Document

No. 1457

S.P. 598

In Senate, April 3, 2025

**Resolve, to Allow the Maine Turnpike Authority to Conduct a Pilot Program to Implement Automated Speed Control Systems in Highway Work Zones**

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Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator FARRIN of Somerset.  
Cosponsored by Representative CRAFTS of Newcastle and  
Senator: PIERCE of Cumberland, Representatives: ALBERT of Madawaska, MASON of  
Lisbon, RAY of Lincolnville.

1           **Sec. 1. Maine Turnpike Authority authorized to conduct pilot program to**  
2 **implement automated speed control systems in highway work zones. Resolved:**  
3 That the Maine Turnpike Authority, in conjunction with the Department of Transportation  
4 and the Department of Public Safety, may establish a pilot program to operate work zone  
5 speed control systems in a highway work zone.

6           **Sec. 2. Definitions. Resolved:** That, as used in this resolve, unless the context  
7 otherwise indicates, the following terms have the following meanings.

8           1. "Authority" means the Maine Turnpike Authority under the Maine Revised Statutes,  
9 Title 23, chapter 24.

10          2. "Director" means the executive director of the authority appointed under the Maine  
11 Revised Statutes, Title 23, section 1964-A, subsection 8.

12          3. "Highway work zone" means an active construction work area denoted by roadway  
13 construction signs with workers present.

14          4. "Limited access state highway" means a controlled access highway as defined in the  
15 Maine Revised Statutes, Title 23, section 301.

16          5. "Operator" means an operator of a system who is a person trained and certified to  
17 operate a system.

18          6. "Personally identifiable information" means information created or maintained by  
19 the authority or a vendor that identifies or describes an owner of a motor vehicle and  
20 includes the owner's address, telephone number, license plate number, photograph, bank  
21 account information, credit card number or debit card number or the date, time, location or  
22 direction of the owner's travel on a limited access state highway.

23          7. "Pilot program" means the pilot program established pursuant to this resolve.

24          8. "System" means a work zone speed control system, which is a device having one or  
25 more motor vehicle sensors connected to a camera system capable of producing a recorded  
26 image of a license plate and type of motor vehicle that indicates the date, time and location  
27 of the image of the motor vehicle allegedly operating in violation of section 4.

28          9. "Vendor" means a person selected by the authority:

29           A. To provide services to the authority under this resolve;

30           B. That operates, maintains, leases or licenses a system; or

31           C. That is authorized to review and assemble the recorded images captured by a system.

32           **Sec. 3. Program requirements. Resolved:** That the pilot program has the  
33 following requirements.

34          1. The pilot program must operate a system at up to 3 locations in the State at any one  
35 time. A system may be used to record images of license plates of motor vehicles traveling  
36 on a limited access state highway within a highway work zone in which the speed limit,  
37 established using generally accepted traffic engineering practices, is 45 miles per hour or  
38 greater.

39          2. A system may be used if:

40           A. The system is operated by an operator;

- 1 B. In accordance with a manual of uniform traffic control devices approved and revised
- 2 by the authority, at least 2 conspicuous road signs are placed at a reasonable distance
- 3 in advance of a highway work zone notifying drivers that a system may be in operation;
- 4 C. At least one sign in paragraph B indicates that the system is operational or is not
- 5 operational;
- 6 D. An appropriate sign is conspicuously placed at the end of the highway work zone
- 7 with a system that is operational; and
- 8 E. A notice identifying the location of a system is available on the authority's publicly
- 9 accessible website.

10 3. A system may be used only to record images of motor vehicles that are exceeding  
11 the posted highway work zone speed limit by 11 miles per hour or more in violation of the  
12 provisions of section 4. Any recorded images collected as part of a system may not be used  
13 for any surveillance purpose. The authority or operator shall certify to the Department of  
14 Public Safety when a system is operational.

15 4. The director may:

16 A. Enter into an agreement with a vendor for the design, operation or maintenance, or  
17 any combination thereof, of systems; and

18 B. Retain and employ a consultant or assistant on a contract or other basis for rendering  
19 legal, financial, professional, technical or other assistance and advice necessary for the  
20 design, operation and maintenance of a system. If a vendor provides, deploys or  
21 operates a system, the vendor's fee may not be contingent on the number of violations  
22 issued or fines paid pursuant to the provisions of section 4.

23 5. The pilot program must commence on or before January 1, 2026 and terminate on  
24 December 31, 2028.

25 **Sec. 4. Penalties for exceeding speed limit in highway work zone detected**  
26 **by system. Resolved:** That the owner of a motor vehicle that exceeds the posted speed  
27 limit by 11 or more miles per hour, as detected by a system, within a highway work zone  
28 where a system is operational is in violation of this section. A penalty imposed by this  
29 section is equivalent to a penalty imposed for a violation of the Maine Revised Statutes,  
30 Title 29-A, section 2075, subsection 2.

31 1. The owner of a motor vehicle identified by a system as violating this section:

32 A. For a first violation, must receive a written warning; and

33 B. For a 2nd or subsequent violation, is liable for a penalty pursuant to the procedures  
34 of the Maine Rules of Civil Procedure, Rule 80F. A notice of violation under section 7  
35 satisfies the requirement for commencement of proceedings and a violation summons  
36 and complaint under Rule 80F(b).

37 2. The owner under subsection 1 is liable for a fine imposed under subsection 1 unless  
38 the driver of the motor vehicle received a citation from a law enforcement officer at the  
39 time of the violation.

40 3. A violation of this section:

- 1 A. Is not subject to demerit points under the Maine Revised Statutes, Title 29-A, section
- 2 2458, subsection 3;
- 3 B. May not be used for merit rating for insurance purposes; and
- 4 C. Does not authorize the imposition of surcharge points in the provision of motor
- 5 vehicle insurance coverage.

6 **Sec. 5. Review of recorded images. Resolved:** That whenever a system detects  
7 and produces a recorded image of a motor vehicle allegedly committing a violation of  
8 section 4, a sworn member or authorized member of the Department of Public Safety shall  
9 review the recorded image. If, after review, the member determines that there are  
10 reasonable grounds to believe that a violation has occurred, the member may issue a notice  
11 of violation for the alleged violation. The notice of violation must be sworn or affirmed by  
12 the member and is prima facie evidence of the facts contained in the notice. The notice of  
13 violation must include written verification that the system was operating correctly at the  
14 time of the alleged violation and specify the date of the most recent inspection that confirms  
15 the system to be operating properly.

16 **Sec. 6. Operator training and duties; system calibration. Resolved:** That:

17 1. An operator shall complete training offered by the manufacturer of a system or the  
18 manufacturer's representative in the procedures for setting up, testing and operating the  
19 system, including training on any device critical to the operation of the system. Upon  
20 completion of the training, the manufacturer or manufacturer's representative shall issue a  
21 signed certificate to the operator. The signed certificate must be admitted as evidence in  
22 any court proceeding for an alleged violation of section 4;

23 2. An operator shall complete and sign a daily log for a system. The daily log must:

24 A. State the date, time and location of the system's setup;

25 B. State that the operator successfully performed and the system passed the testing  
26 specified by the manufacturer of the system;

27 C. Be kept on file at the principal office of the operator; and

28 D. Be admitted in any court proceeding for an alleged violation of section 4; and

29 3. A system must undergo an annual calibration check performed at a calibration  
30 laboratory. The calibration laboratory shall issue a signed certificate of calibration after the  
31 annual calibration check. The signed certificate of calibration must be kept on file and  
32 admitted as evidence in any court proceeding for an alleged violation of section 4.

33 **Sec. 7. Notice of violation. Resolved:** That:

34 1. The notice of violation for an alleged violation of section 4 must include:

35 A. A copy of the recorded image showing the motor vehicle with the motor vehicle's  
36 license plate visible;

37 B. The registration number and state of issuance of the motor vehicle registration;

38 C. Verification that the system was operating correctly at the time of the alleged  
39 violation and the date of the most recent calibration check under section 6, subsection  
40 3; and

41 D. The date, time and location of the alleged violation;

1           2. For an alleged violation of section 4 involving a motor vehicle registered in the State,  
2 the notice of violation must be mailed not later than 30 days after the commission of the  
3 alleged violation or after the identity of the owner of the motor vehicle is ascertained,  
4 whichever is later, to the address of the owner that is in the records of the Department of  
5 the Secretary of State, Bureau of Motor Vehicles;

6           3. For an alleged violation of section 4 involving a motor vehicle registered in another  
7 jurisdiction, the notice of the violation must be mailed no later than 30 days after the  
8 identity of the owner of the motor vehicle is ascertained to the address of the owner that is  
9 in the records of the official in the other jurisdiction issuing the registration;

10          4. The notice of violation for an alleged violation of section 4 is invalid unless the  
11 notice is mailed to the owner of the motor vehicle no later than 90 days after the alleged  
12 violation of section 4; and

13          5. The notice of violation for an alleged violation of section 4 must be sent by first-  
14 class mail. A manual or automatic record of mailing prepared by the operator in the  
15 ordinary course of business is prima facie evidence of mailing and is admissible in any  
16 court proceeding as to the facts contained in the notice.

17          **Sec. 8. Defenses. Resolved:** That the following defenses are available to the owner  
18 of a motor vehicle identified by a system as allegedly violating section 4:

19           1. The violation took place during a period of time in which the motor vehicle had been  
20 reported to a law enforcement unit as being stolen, as described in the Maine Revised  
21 Statutes, Title 17-A, section 360, subsection 1, paragraph A, and had not been recovered  
22 prior to the time of the violation; or

23           2. The system was not in compliance with the provisions of section 6 relating to tests  
24 for accuracy, certification or calibration.

25          A motor vehicle owner who receives a notice of violation under section 7 must follow  
26 the procedures set forth in the Maine Rules of Civil Procedure, Rule 80F.

27          **Sec. 9. Information to authority and vendor. Resolved:** That the Department  
28 of the Secretary of State, Bureau of Motor Vehicles shall provide the authority and any  
29 vendor with information regarding the owner of a motor vehicle identified by a system as  
30 allegedly violating the provisions of section 4. The information must include the make and  
31 license plate number of the motor vehicle and the name and address of the owner of the  
32 motor vehicle.

33          **Sec. 10. Motor vehicle registration when penalty for exceeding speed limit  
34 in highway work zone detected by system is unpaid. Resolved:** If a motor vehicle  
35 owner does not pay the fine imposed for a violation of section 4 or the owner is found guilty  
36 at a trial for the commission of the violation, the Department of the Secretary of State,  
37 Bureau of Motor Vehicles may suspend the registration or refuse to register the motor  
38 vehicle involved in the violation.

39          **Sec. 11. Personally identifiable information. Resolved:** That:

40           1. Personally identifiable information may not be sold or disclosed by the authority or  
41 a vendor to any person or entity except when the disclosure is made:

1 A. In connection with the charging, collection and enforcement of the fines imposed  
2 pursuant to section 4;

3 B. Pursuant to a judicial order, including a search warrant or subpoena, in a criminal  
4 proceeding; or

5 C. To comply with federal or state laws, rules or regulations;

6 2. Personally identifiable information may not be stored or retained by the authority or  
7 a vendor unless such information is necessary for the collection and enforcement of the  
8 fines imposed pursuant to section 4;

9 3. The authority or a vendor may disclose aggregate information and other data  
10 gathered from a system that does not directly or indirectly identify an owner of a motor  
11 vehicle or a motor vehicle for research purposes authorized by the director;

12 4. Except as otherwise provided by law or in connection with an administrative  
13 summons or judicial order, including a search warrant or subpoena, in a criminal  
14 proceeding, the authority or a vendor shall destroy personally identifiable information and  
15 other data that specifically identifies an owner of a motor vehicle or a motor vehicle and  
16 relates to a violation of section 4 no later than one year after any fine is imposed or the  
17 resolution of a trial conducted for the alleged commission of the violation; and

18 5. Personally identifiable information is not a public record under the Maine Revised  
19 Statutes, Title 1, section 402, subsection 3.

20 **Sec. 12. Rules. Resolved:** That the director shall adopt rules to carry out the purposes  
21 of this resolve, including rules that establish the criteria that must be met before a system  
22 may be operated in a highway work zone. Rules adopted pursuant to this section are routine  
23 technical rules under the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

24 **Sec. 13. Report. Resolved:** That, by November 1, 2028, the director shall submit a  
25 report evaluating the pilot program along with any recommended legislation to the joint  
26 standing committee of the Legislature having jurisdiction over transportation matters,  
27 which may report out legislation to the 134th Legislature in 2029.

28 **SUMMARY**

29 This resolve authorizes the Maine Turnpike Authority to conduct a pilot program to  
30 implement up to 3 automated speed control systems at a time in highway work zones on  
31 limited access highways in the State for 3 years. The system produces an image of a motor  
32 vehicle exceeding the posted speed limit by 11 miles an hour or more in the highway work  
33 zone, including the motor vehicle's license plate number, and a notice of violation is sent  
34 to the owner of the motor vehicle, who is subject to a warning for a first offense and a fine  
35 for a 2nd or subsequent offense. The system is maintained by an operator who is responsible  
36 for calibrating the system and certifying that the system is in proper working order.  
37 Personally identifiable information of motor vehicle owners and motor vehicles captured  
38 by the system is confidential and not a public record under the Freedom of Access Act.