

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out all of section 1 and inserting the following:

Sec. 1. 29-A MRSA §101, sub-§85-A is enacted to read:

85-A. Traffic light violation monitoring system. "Traffic light violation monitoring system" means a vehicle sensor installed to work in conjunction with a lighted traffic-control device or a lane direction control device, as described in section 2057, subsections 1 and 3, that automatically produces one or more photographs, one or more microphotographs, a videotape or other recorded image of a vehicle at the time the vehicle is operated in violation of state law.

Sec. 2. 29-A MRSA §2075, sub-§3, ¶E, as amended by PL 2003, c. 92, §3, is further amended to read:

E. Subject to the provisions of this paragraph, if it is a qualifying municipality, set speed limits on qualifying roads. As used in this paragraph, "qualifying municipality" means a municipality that has a population of 2,500 or more as measured by the latest decennial United States census or that employs a professional engineer licensed in this State. As used in this paragraph, "qualifying road" means a town way that is classified as local by the Department of Transportation in accordance with the federal functional classification system.

If a qualifying municipality decides to set speed limits in accordance with this paragraph, the municipality shall provide written notice of that determination to the Commissioner of Transportation and shall set speed limits for all qualifying roads in that municipality.

Unless otherwise approved as provided in paragraph D, speed limits set by a municipality must be in 5-mile-per-hour increments within the following ranges:

- (1) From 20 to 25 miles per hour, inclusive, regarding roads in a business or residential district or a compact area, except that the lower limit may be set at 15 miles per hour on roads on islands not accessible by road or dead end roads less than 1/4 mile in length; and
- (2) From 30 to 50 miles per hour, inclusive, regarding roads in all other areas.

Prior to establishing a speed limit, the municipality must perform a traffic investigation that reviews the factors identified in the applicable sections of the Manual on Uniform Traffic Control Devices. The municipal officers shall validate that speed limit in accordance with the procedure for establishing municipal traffic ordinances set forth in Title 30-A, section 3009, post standard speed limit signs in accordance with the Manual on Uniform Traffic Control Devices and provide written notice of that speed limit zone to the Commissioner of Transportation on forms approved by the Department of Transportation.

The Department of Transportation may require a municipality with a population of 5,000 or more as measured by the latest decennial United States census that has not provided written notice to the department that the municipality will set speed limits in accordance with this paragraph to provide the department with all data necessary to set such speed limits. The nature, extent and form of that data must be acceptable to the department and may include, without limitation, the reason for the request, length and location of the proposed speed zone, road width, number of driveways in that zone, traffic volume, posted speed, prevailing speed as measured by radar, accident history and speed enforcement efforts; and

Sec. 3. 29-A MRSA §2075, sub-§3, ¶F, as enacted by PL 2003, c. 92, §4, is amended to read:

F. With the approval of the Department of Transportation and the Chief of the State Police, and in accordance with the latest edition of the Manual on Uniform Traffic Control Devices published by the Federal Highway Administration, designate a school zone to which the speed limits in section 2074, subsection 1, paragraph A apply; and

Sec. 4. 29-A MRSA §2075, sub-§3, ¶G is enacted to read:

G. Install and operate traffic light violation monitoring systems.

Sec. 5. 29-A MRSA §2075, sub-§6 is enacted to read:

6. State and municipal authority. The State or a municipality may install and operate traffic light violation monitoring systems.

Sec. 6. 29-A MRSA §2609 is enacted to read:

§ 2609. Enforcement actions using evidence from a traffic light violation monitoring system

The process and rules of evidence described in this section apply in enforcement actions for violations of state law in which evidence is obtained by the use of a traffic light violation monitoring system.

1. Proof of violation. Evidence from information obtained from a traffic light violation monitoring system is admissible to prove a violation of state law. A certificate or a facsimile sworn to or affirmed by an agent or employee of the State or municipality qualified to operate a traffic light violation monitoring system, based on inspection of photographs, microphotographs, videotape or other recorded images produced by a traffic light violation monitoring system, must be accepted as prima facie evidence of all facts contained therein or thereon. A photograph, microphotograph, videotape or other recorded image evidencing such a violation must be available for inspection in a proceeding to adjudicate liability for that violation.

2. Rebuttable presumption of identity of violator. In the prosecution of an offense established under this section, prima facie evidence that the vehicle described in the summons issued pursuant to this section was operated in violation of state law, together with proof that the defendant

was at the time of that violation the registered owner of the vehicle, constitutes a rebuttable presumption that the registered owner of the vehicle was the person who committed the violation. This presumption is rebutted if:

- A. A person other than the owner is convicted of illegally operating the vehicle at the time of the violation. In this case, the registered owner may not be found liable under this section;
- B. The registered owner is a lessor of vehicles and at the time of the violation the vehicle was in the possession of a lessee and the lessor provides the investigating officer with a copy of the lease agreement containing the information required by section 254. In this case, the lessee, but not the lessor, may be charged under this section;
- C. The vehicle is operated using a dealer or transporter registration plate and at the time of the violation the vehicle was operated by any person other than the dealer or transporter and if the dealer or transporter provides the investigating officer with the name and address of the person who had control over the vehicle at the time of the violation. In this case, that person, but not the dealer or transporter, may be charged under this section; or
- D. A report that the vehicle was stolen is given to a law enforcement officer or agency before the violation occurred or within a reasonable time after the violation occurred. In this case, the registered owner may not be charged under this section.

3. Service of Violation Summons and Complaint; notice requirements.

Notwithstanding any other requirements in this subchapter or any other law, a Violation Summons and Complaint based on evidence obtained from a traffic light violation monitoring system may be served by mailing by first class mail a copy of the Violation Summons and Complaint and the certificate on which it is based to the address of the registered owner of the vehicle as shown on the records of the bureau.

The mailing must also inform the alleged violator that the enforcement action is based on evidence obtained from a traffic light violation monitoring system and that the evidence may be viewed at a specific time and place by calling a specified telephone number to set up the viewing. A clear copy of the evidence may be enclosed as a substitute for the viewing.

4. Use of revenue. Notwithstanding any provision of law to the contrary, the revenue collected as a result of an enforcement action arising from evidence obtained from a traffic light violation monitoring system must be returned to the municipality that purchased, installed and was operating the traffic light violation monitoring system at the time of the enforcement action, but only until the municipality has been reimbursed for the cost of purchasing and installing the traffic light violation monitoring system. Each municipality shall notify the Treasurer of State of that cost incurred and certify monthly to the Treasurer of State the amount of revenue collected pursuant to this section as a result of a traffic light violation monitoring system. Within 15 days of receipt of this certification, the Treasurer of State shall forward that certified amount to the municipality until the municipality has been fully reimbursed. After that time, the revenue collected as a result of an enforcement action arising from evidence obtained from a traffic light violation monitoring system must be deposited in the Courthouse Security Fund established pursuant to Title 4, section 58 and used for the purposes specified in that section.'

SUMMARY

This amendment strikes the bill and instead permits the use of evidence obtained from unmanned traffic surveillance cameras to prosecute and prove traffic violations. Traffic light violation monitoring systems may be installed by the State or a municipality. The owner of the vehicle photographed or otherwise recorded violating a traffic control device is rebuttably presumed to be the violator, similar to current Maine law regarding passing a stopped school bus or a traffic violation at an emergency scene.

This amendment also requires the revenue generated by a traffic light violation monitoring system to be returned to the municipality that purchased, installed and was operating the system at the time of the enforcement action but only until such time as the municipality has been reimbursed for its expense. After that, the revenue is deposited in the Courthouse Security Fund to be used to improve security and improve public safety at court facilities.