> 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 the title and substituting the following:

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

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'**Sec. 1. 29-A MRSA §2117-A** is enacted to read:

§ 2117-A. Use of automated license plate recognition systems

1. Definitions. As used in this section, unless the context otherwise indicates, "automated license plate recognition system" means 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. "Automated license plate recognition system" does not include a photo-monitoring system, as defined in Title 23, section 1980, subsection 2A, paragraph B, subparagraph (4), when used by the Maine Turnpike Authority or a law enforcement agency for toll enforcement purposes.

2. Prohibition. Except as otherwise provided in subsection 3, a person may not use an automated license plate recognition system.

3. Exception. Subsection 2 does not apply to:

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

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

C. Any state, county or municipal law enforcement agency when providing public safety, conducting criminal investigations and ensuring compliance with local, state and federal laws. For purposes of this paragraph, an automated license plate recognition system may use only information entered by a law enforcement officer as defined by Title 17A, section 2, subsection 17 and based on a reasonable articulable suspicion, or records from the National Crime Information Center database.

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

4. Confidentiality. Data collected or retained through the use of an automated license plate recognition system in accordance with subsection 3 are confidential under Title 1, chapter 13 and are available for use only by a law enforcement agency in carrying out its functions or by an agency collecting information under subsection 3 for its intended purpose and any related civil or criminal proceeding.

A law enforcement agency may publish and release as public information summary reports using aggregate data that do not reveal the activities of an individual or firm and may share commercial motor vehicle screening data with the Federal Motor Carrier Safety Administration for regulatory compliance purposes.

5. Data retention. Data collected or retained through the use of an automated license plate recognition system in accordance with subsection 3 that are not considered intelligence and investigative information as defined by Title 16, section 611, subsection 8, or data collected for the purposes of commercial motor vehicle screening, may not be stored for more than 21 days.

6. Penalty. Violation of this section is a Class E crime.

Sec. 2. Working group to study the use of automated license plate recognition systems. The Secretary of State shall 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. In addition to the Secretary of State, the working group must include, but is not limited to, representatives of the Department of Public Safety, Bureau of State Police, representatives of local and county law enforcement, representatives of the Department of Transportation, representatives of the Maine Turnpike Authority and representatives of organizations or individuals representing privacy and constitutional interests.

The working group report under section 3 must include a review of a September 2009 report, completed by an international association of chiefs of police that studied the privacy impact of enhanced collection, analysis and dissemination of license plate data made possible by automated license plate recognition system technology. The working group report must include model policy or draft legislation, either developed by the working group or by an association representing users of automated license plate recognition systems.

Sec. 3. Report. The working group under section 2 shall submit a report including its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over transportation matters no later than January 15, 2011. After reviewing the report, the joint standing committee of the Legislature having jurisdiction over transportation matters may submit a bill to the First Regular Session of the 125th Legislature concerning the subject matter of this Act.’

SUMMARY

This amendment 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 may agency 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 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 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.