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Date: (Filing No. S- )

**TRANSPORTATION**

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**STATE OF MAINE  
SENATE  
129TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 53, L.D. 166, Bill, “An Act To Protect Schoolchildren by Increasing the Penalty for Unlawful Passing of a School Bus”

Amend the bill by striking out the title and substituting the following:

**'An Act To Protect Schoolchildren by Providing Additional Enforcement and Prevention Options for Unlawful Passing of a School Bus'**

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

'Sec. 1. 29-A MRSA §2117, as enacted by PL 2009, c. 223, §1, is amended to read:

**§2117. Use of traffic surveillance cameras restricted**

~~The~~ Except as provided in subsections 1 and 2, the State or a municipality may not use a traffic surveillance camera to prove or enforce a violation of this Title. For purposes of this section, "traffic surveillance camera" means a device that, in conjunction with a lighted traffic-control device or a lane direction control device, as described in section 2057, subsections 1 and 3, or a speed measurement device as described in section 2075, subsection 4, automatically produces one or more photographs, one or more microphotographs, a videotape or any other recorded image of a vehicle at the time the vehicle is operated in violation of state law.

~~This section does not apply to a photo-monitoring system, as defined by Title 23, section 1980, subsection 2-A, paragraph B, subparagraph 4, used by the Maine Turnpike Authority for toll enforcement purposes.~~

**1. School buses.** The State or a municipality may use a traffic surveillance camera mounted on a school bus in conjunction with a lighted traffic-control device to prove or enforce a violation of section 2308, subsection 2. A photograph, microphotograph, videotape or other recorded image or audio produced by a traffic surveillance camera mounted on a school bus is confidential and may only be released to a law enforcement officer for the purpose of an investigation into a violation of the law or to a law

**COMMITTEE AMENDMENT**

1 enforcement officer, prosecutor, defendant or court for the purpose of a prosecution of a  
2 violation of the law.

3 The state or a municipality may not retain a photograph, microphotograph, videotape or  
4 other recorded image or audio produced by a traffic surveillance camera mounted on a  
5 school bus for more than 30 days from the date of production unless it is released in  
6 accordance with this subsection.

7 For the purposes of this subsection, "prosecutor" means a person who by virtue of public  
8 employment is vested by law with a duty to prosecute offenders for crimes, whether that  
9 duty extends to all crimes or is limited to specific crimes.

10 **2. Toll enforcement.** The Maine Turnpike Authority may use a photo-monitoring  
11 system, as defined by Title 23, section 1980, subsection 2-A, paragraph B, subparagraph  
12 (4), for toll enforcement purposes.

13 **Sec. 2. 29-A MRSA §2301, sub-§§1-D and 5-C** are enacted to read:

14 **1-D. Extended stop arm.** "Extended stop arm" means a stop arm that when  
15 activated extends 3 to 6 feet outward from the left side of a school bus.

16 **5-C. Stop arm.** "Stop arm" means a device mounted on the left side of a school bus  
17 that when activated displays a stop sign to traffic in front of and behind that school bus.

18 **Sec. 3. 29-A MRSA §2302, sub-§1, ¶G,** as enacted by PL 1993, c. 683, Pt. A,  
19 §2 and affected by Pt. B, §5, is amended to read:

20 G. May be equipped with a system of stop arms or extended stop arms to be operated  
21 only with the red signal lights; and

22 **Sec. 4. 29-A MRSA §2308, sub-§6,** as amended by PL 2019, c. 113, Pt. C, §75,  
23 is further amended to read:

24 **6. Penalty.** A violation of ~~this section~~ subsection 2 is a Class E crime that is  
25 punishable by a \$250 minimum fine for the first offense and a mandatory 30-day  
26 suspension of a driver's license for a 2nd offense occurring within 3 years of the first  
27 offense.

28 **Sec. 5. 29-A MRSA §2380, sub-§3-A,** as enacted by PL 2005, c. 482, §6, is  
29 amended to read:

30 **3-A. Maximum width; additional exceptions.** In addition to the exceptions in  
31 subsection 3, the following are excluded from the measurement of vehicle width:

32 A. Reflecting mirrors;

33 B. Turn signal lamps; ~~and~~

34 C. Appurtenances on motor homes, truck campers and camp trailers, if such  
35 appurtenances extend no more than 6 inches from either side of the body of the  
36 vehicle; and

37 D. Extended stop arms as defined in section 2301, subsection 1-D.'

38 Amend the bill by relettering or renumbering any nonconsecutive Part letter or  
39 section number to read consecutively.

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**SUMMARY**

This amendment replaces the bill and changes the title. Instead of increasing the penalty for the illegal passing of a school bus as in the bill, the amendment allows the State or a municipality to use a traffic surveillance camera mounted on a school bus to prove, enforce or open an investigation into a violation of illegally passing a school bus.

The amendment provides that information recorded by a traffic surveillance camera mounted on a school bus is confidential and may be used only to prove, enforce or open an investigation into a violation and may not be retained for more than 30 days unless it is used to open an investigation. It also clarifies that the penalty provision in statute regarding overtaking and passing school buses applies only to the passing or overtaking of a school bus.

The amendment also allows school buses to be equipped with extended stop arms that when activated extend 3 to 6 feet outward from the left side of a school bus.

**FISCAL NOTE REQUIRED**

**(See attached)**