

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 458

H.P. 297

House of Representatives, February 24, 2015

An Act To Implement a Motor Vehicle Violation Electronic Citation Program

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative CAMPBELL of Orrington.
Cosponsored by Senator DIAMOND of Cumberland and
Representatives: HARLOW of Portland, LONGSTAFF of Waterville, WHITE of Washburn.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 29-A MRSA §2601, sub-§3**, as enacted by PL 1993, c. 683, Pt. A, §2 and
3 affected by Pt. B, §5, is amended to read:

4 **3. Form of Violation Summons and Complaint.** Every law enforcement ~~agency~~
5 officer in this State ~~shall~~ must use traffic summonses for traffic infractions in the form
6 known as the Violation Summons and Complaint, which must be uniform throughout the
7 State and must be issued in books with summonses in no less than quadruplicate and
8 meeting the requirements of this chapter. The form must include, at a minimum, the
9 signature of the officer, a brief description of the alleged offense, the time and place of
10 the alleged offense, the mailing address and e-mail address of the person who has been
11 served the Violation Summons and Complaint, except as provided in Title 5, section
12 90-B, and the date on or before which the person is to file a written answer with the
13 violations bureau. The Violation Summons and Complaint must also include a statement
14 that signing the summons does not constitute an admission or plea of guilty and that
15 refusal to sign after having been ordered to do so by a law enforcement officer is a
16 separate Class E crime. The form of the Violation Summons and Complaint must be
17 approved by the Chief Judge of the District Court prior to its use.

18 **Sec. 2. 29-A MRSA §2601, sub-§3-A**, as enacted by PL 2013, c. 112, §9, is
19 amended to read:

20 **3-A. Electronic Violation Summons and Complaint.** Notwithstanding subsection
21 3, ~~the every law enforcement officer in this State must use an electronic Violation~~
22 Summons and Complaint when issuing a traffic summons for a traffic infraction if
23 requested by the person who has been served the traffic summons. The Chief Judge of
24 the District Court may shall approve for use an electronic Violation Summons and
25 Complaint form. The electronic Violation Summons and Complaint form must include,
26 at a minimum, an electronic or digital signature of the officer, a brief description of the
27 alleged offense, the time and place of the alleged offense, the mailing address and e-mail
28 address of the person who has been served the electronic Violation Summons and
29 Complaint, except as provided in Title 5, section 90-B, and the date on or before which
30 the person is to file a written answer with the violations bureau.

31 **Sec. 3. 29-A MRSA §2601, sub-§9**, as enacted by PL 1993, c. 683, Pt. A, §2 and
32 affected by Pt. B, §5, is amended to read:

33 **9. Responsibility of law enforcement officer to file summonses and complaints**
34 **with District Court.** A law enforcement officer issuing a Violation Summons and
35 Complaint under subsection 3 charging the commission of a traffic infraction shall file
36 the original of the Violation Summons and Complaint with the violations bureau within 5
37 days of the issuance of the Violation Summons and Complaint. The clerk of the District
38 Court Violations Bureau shall enter a Violation Summons and Complaint into the District
39 Court Violations Bureau case management system within 2 business days of the filing of
40 the original of the Violation Summons and Complaint under subsection 3 by a law
41 enforcement officer. A law enforcement officer issuing a Uniform Summons and
42 Complaint that charges the commission of an offense shall file the original of the

1 Uniform Summons and Complaint with the District Court having jurisdiction over the
2 offense or in such other location as instructed by the Chief Judge of the District Court
3 without undue delay and, in any event, within 5 days after the issuance of the Uniform
4 Summons and Complaint.

5 **Sec. 4. Electronic system; District Court Violations Bureau; report.** The
6 Chief Judge of the District Court, or the chief judge's designee, shall provide a report to
7 the joint standing committee of the Legislature having jurisdiction over transportation
8 matters and the joint standing committee of the Legislature having jurisdiction over
9 judiciary matters no later than January 15, 2017 regarding implementation of an
10 electronic case management, data storage and filing system for the judicial branch. The
11 report must summarize efficiencies realized by electronic processing of traffic
12 summonses within the District Court Violations Bureau.

13 The Chief Judge of the District Court and the Commissioner of Public Safety shall
14 facilitate the use of roadside credit card apparatus for payment of a traffic summons and
15 shall develop and initiate a campaign to educate the public about electronic Violation
16 Summonses and Complaints and roadside credit card payments.

17 SUMMARY

18 This bill requires every law enforcement officer in the State to use an electronic
19 Violation Summons and Complaint form if requested by the person who has been served
20 a traffic summons. The Chief Judge of the District Court is required to approve for use
21 an electronic Violation Summons and Complaint.

22 The bill also requires both the paper and electronic forms for a traffic summons for a
23 traffic infraction, referred to as the Violation Summons and Complaint, to include the
24 regular mailing address and the e-mail address of the person who has been served the
25 traffic summons. The bill also requires that the clerk of the District Court Violations
26 Bureau enter the paper form of a Violation Summons and Complaint into the violations
27 bureau's case management system within 2 business days of the law enforcement officer's
28 filing of the original of the Violation Summons and Complaint.

29 The bill also requires that the Chief Judge of the District Court provide a report to the
30 joint standing committee of the Legislature having jurisdiction over transportation matters
31 and the joint standing committee of the Legislature having jurisdiction over judiciary
32 matters no later than January 15, 2017 regarding implementation of an electronic case
33 management, data storage and filing system for the judicial branch. The bill provides that
34 the report must summarize efficiencies realized by electronic processing of traffic
35 summonses within the District Court Violations Bureau. The bill also requires the Chief
36 Judge of the District Court and the Commissioner of Public Safety to facilitate the
37 roadside credit card payment of traffic summonses for traffic infractions and to develop
38 and initiate a campaign to educate the public about electronic Violations Summonses and
39 Complaints and roadside credit card payment.