

MAINE STATE LEGISLATURE

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April 13, 1976

To: All Maine Judges and Prosecuting Attorneys

(Point system)

From: Michael D. Seitzinger, Assistant Attorney General

Re: P.L. 1975, c. 731 (An Act to Revise the Laws Relating to the Maine Traffic Court)

This memorandum outlines a number of the important provisions of P.L. 1975, c. 731 (An Act to Revise the Laws Relating to the Maine Traffic Court). Chapter 731, which becomes effective May 1, 1976, is designed to correct many of the problems created by the enactment of P.L. 1975, c. 430 - the act which established the "traffic infraction system" in Maine. Except when otherwise indicated, the section references in this memorandum are to the sections of chapter 731, not to sections of the Maine Revised Statutes Annotated.

1. Application of "point system" to traffic infractions. Sec. 65 authorizes the Secretary of State to assign points for traffic infractions as well as for convictions.
2. Enforcement of traffic infractions. The following amendments are designed to assist in the enforcement of traffic infractions and the collection of fines imposed for traffic infractions:
 - a. Sec. 77. The second paragraph of this amendment authorizes the Secretary of State to suspend the license of a person who has been ordered to pay a fine for the commission of a traffic infraction but who has not paid the fine within 30 days of such order.
 - b. Sec. 77. This amendment also expressly authorizes the suspension of the license of a person who fails to appear in response to a Uniform Traffic Ticket and Complaint or in response to any appearance ordered by the court.
 - c. Sec. 76. This amendment makes it a misdemeanor to refuse to sign a Uniform Traffic Ticket and Complaint.
 - d. Sec. 12. This amendment authorizes the court to assess a tax of \$25 upon defendants who fail to pay within 30 days of judgment a fine imposed for a traffic infraction or other civil violation.
 - e. It should be noted that a proposed amendment to the Errors and Inconsistencies Bill would make the failure to appear in court for traffic infractions and other civil violations a Class E crime.

3. Sec. 4. This new section establishes a mechanism for the issuance of citations in traffic infraction and other civil violation cases when a private citizen wishes to bring a complaint regarding the civil violation.
4. Sec. 6. This amendment re-enacts the provision authorizing filing of criminal cases and also authorizes filing in civil violation cases.
5. Sec. 19. This amendment defines "adjudication," as that term is used in Title 29, to mean a finding by the court that the defendant has committed the infraction.
6. Sec. 20. This section makes clear (1) that a traffic infraction is a civil violation, as the latter term is defined by the Criminal Code, and (2) that the definition of traffic infraction in Title 29 will apply when that term is used in any other Title of the Revised Statutes or in any private law or administrative regulation.
7. Sec. 49-A. This new section makes it a misdemeanor to operate a motor vehicle at a speed which exceeds, by 30 miles an hour or more, the posted speed. Speeding in excess of the posted limit, but less than 30 miles an hour over the limit, remains a traffic infraction.
8. Sec. 50. This amendment makes clear that radar results shall be accepted as prima facie evidence of speed in traffic infraction speeding cases.
9. Sec. 51 and 53. These sections repeal the offenses of vehicular manslaughter (29 M.R.S.A. § 1313) and recklessly causing death (29 M.R.S.A. § 1315). These two offenses will be covered by the homicide sections of the Criminal Code. Sec. 51 establishes the license revocation procedure for persons convicted of homicides when the operation of a motor vehicle is the cause of death.
10. Sec. 52. This amendment makes driving to endanger a misdemeanor.
11. Sec. 54. This section repeals the offense of death by violation (29 M.R.S.A. § 1316). This offense is not covered by the Criminal Code and will therefore no longer be an offense under Maine law after May 1.
12. Sec. 58. This amendment makes failure or refusal to stop a motor vehicle upon the request or signal of an officer a misdemeanor.

13. Sec. 75. This amendment makes clear that the Uniform Traffic Ticket and Complaint is a lawful complaint for all traffic infraction proceedings, regardless of whether the proceeding arises under Title 29, any other Title, any private law or any administrative regulation.
14. Sec. 78. This section repeals the provision making the commission of three or more traffic infractions within a 12-month period a crime.
15. Sec. 79. This section repeals the provision that elevates a traffic infraction to a criminal offense when the infraction results in personal injury or property damage.
16. Sec. 84. This amendment provides that in criminal proceedings before the District Court the only stage of the proceedings at which the District Attorney, or someone acting under his discretion, must be present is the trial.
17. Sec. 85. This section provides that violations of the rules and regulations of the Maine Turnpike Authority governing use of the turnpike are traffic infractions. (They are presently misdemeanors.) The two exceptions are: (1) speeding by 30 miles an hour or more over the posted limit and (2) failure or neglect to pay tolls, fares or charges for use of the turnpike. These violations remain criminal offenses.