

# MAINE STATE LEGISLATURE

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# ONE HUNDRED AND FOURTH LEGISLATURE

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**Legislative Document**

**No. 988**

H. P. 768

House of Representatives, February 25, 1969

Referred to Committee on Judiciary. Sent up for concurrence and 1,000 ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Dennett of Kittery.

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## STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-NINE

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### AN ACT to Create Traffic Violations Bureaus in the District Courts.

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

**Sec. 1.** R. S., T. 4, § 164, sub-§ 12, repealed and replaced. Subsection 12 of section 164 of Title 4 of the Revised Statutes is repealed and the following enacted in place thereof:

12. **Traffic Violations Bureau.** The Chief Judge shall establish in each division a Traffic Violations Bureau. The Chief Judge shall appoint the clerks of the District Court in each division as violations clerk for the Traffic Violations Bureau in their respective divisions.

The violations clerk shall accept written appearances, waiver of trial, plea of guilty and payment of fine and costs in traffic offense cases, subject to the limitations hereinafter prescribed. The violations clerk shall serve under the direction and control of the judge of the court for which he is appointed.

**A. Traffic offense defined.** Traffic offense shall mean any violations of a statute, ordinance or regulation relating to the operation or use of motor vehicles and any violation of a statute, ordinance or regulation relating to the use of streets and highways by pedestrians or by the operation or use of any other vehicle.

**B. Offenses within the authority of violations clerk; schedule of fines.** The Chief Judge shall by order, which may from time to time be amended, suspended or repealed, designate the traffic offenses within the authority of the violations clerk. Such offenses shall not include:

- (1) Driving to endanger;

- (2) Reckless driving ;
- (3) Recklessly causing death ;
- (4) Offenses resulting in accident ;
- (5) Operating while under the influence of intoxicating liquor or a narcotic drug or while impaired ;
- (6) Driving after suspension or revocation of operator's license ;
- (7) Operating without a license ;
- (8) Operating an unregistered motor vehicle ;
- (9) Passing a stopped school bus ;
- (10) Exceeding the speed limit by more than 15 miles per hour ;
- (11) Loaning or altering license or permit ;
- (12) Death caused by violation of law ;
- (13) Leaving the scene of an accident ;
- (14) Taking a motor vehicle without consent ;
- (15) Homicide or assault committed by means of motor vehicle ;
- (16) Failure to report an accident ;
- (17) Passing on hills and curves.

The court shall establish schedules, within the limits prescribed by law, of the amount of fines to be imposed for such offenses. The order of the court establishing the schedules shall be prominently posted in the place where the fines are paid. Fines and costs shall be paid to, received by and accounted for by the violations clerk in accordance with these provisions.

**C. Plea and payment of fines and costs.** Any person charged with any traffic offense within the authority of the violations clerk may file an appearance in person or by mail before the violations clerk and enter a plea of guilty and waiver of trial and pay the fine established for the offense charged, and costs. Any person so pleading guilty shall be informed of his rights including his right to stand trial, that his signature to a plea of guilty will have the same effect as a judgment of the court and that the record of conviction will be sent to the Secretary of State.

**D. Procedure after one or more convictions.** Any person who has been found guilty of or who has signed a plea of guilty to one or more previous traffic offenses subject to this section shall not be permitted to appear before the violations clerk unless the court shall, by order, permit such appearance. Each waiver of hearing filed under this section shall recite on the oath or affirmation of the offender whether or not he has been previously found guilty or has previously signed a plea of guilty to one or more traffic

offenses. Any person swearing falsely to such statement shall, upon conviction, be guilty of a misdemeanor and subject to a fine of up to \$50.

**E. Chief Judge to authorize procedures.** The Chief Judge may authorize such forms and procedures as he deems appropriate to carry out the provisions of this section.

**Sec. 2. Appropriation.** There is appropriated from the General Fund the sum of \$875 to the District Court to carry out the purposes of this Act. The breakdown shall be as follows:

	1969-70	1970-71
DISTRICT COURT		
All Other	\$375	\$500