

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1603

H. P. 1153

House of Representatives, March 17, 1971

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. Kelley of Caribou.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT to Establish the Traffic Court.

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

Sec. 1. R. S., T. 29, § 891, amended. The 2nd sentence of the 3rd paragraph of section 891 of Title 29 of the Revised Statutes is amended to read as follows:

Any person failing to comply with the requirements of this paragraph ~~shall be guilty of a misdemeanor and shall be punished fined by a fine of not more than \$100 or by imprisonment for not more than 90 days, or by both.~~

Sec. 2. R. S., T. 29, § 895, amended. Section 895 of Title 29 of the Revised Statutes is amended by adding a new sentence at the end to read as follows:

Any person who violates this section shall be punished by a fine of not less than \$10 nor more than \$100 or by imprisonment for not more than 90 days, or by both.

Sec. 3. R. S., T. 29, § 901, amended. The first sentence of section 901 of Title 29 of the Revised Statutes is amended to read as follows:

Every person engaged in the business of renting motor vehicles with or without drivers who shall rent any such vehicle with or without a driver, otherwise than as a part of a bona fide transaction involving the sale of such motor vehicle, shall maintain a record of the identity of the person to whom the vehicle is rented, including a record of his license, and the exact time the vehicle is subject to such rental or in possession of the person renting and having the use of the vehicle, and every such record shall be open to inspection by any officer, and it shall be a ~~misdemeanor~~ **unlawful** for any such

owner to fail to make or have in possession or to refuse an inspection of the record required in this section.

Sec. 4. R. S., T. 29, § 948, amended. The last paragraph of section 948 of Title 29 of the Revised Statutes is amended to read as follows:

Any person who violates this section and any person who removes, destroys, damages or defaces any sign or signal erected by or under the direction of the State Highway Commission shall be ~~deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than \$50 or by imprisonment for not more than 60 days, or by both.~~

Sec. 5. R. S., T. 29, § 1254, amended. The 2nd sentence of section 1254 of Title 29 of the Revised Statutes, as last amended by chapter 55 of the public laws of 1969, is further amended to read as follows:

The results of any such measurements shall be accepted as prima facie evidence of the speed of the motor vehicle under surveillance in any court in criminal proceedings **or in the Traffic Court** where the speed of the motor vehicle under surveillance is at issue.

Sec. 6. R. S., T. 29, § 1314, amended. Section 1314 of Title 29 of the Revised Statutes is amended by adding a new sentence at the end to read as follows:

Any person who violates this section shall be punished by a fine of not less than \$10 nor more than \$100 or by imprisonment for not more than 90 days, or by both.

Sec. 7. R. S., T. 29, § 2064, amended. Section 2064 of Title 29 of the Revised Statutes is amended to read as follows:

§ 2064. Penalties

Any person who violates any provision of this subchapter shall be punished by a fine of not more than ~~\$25~~ **\$50** ~~or imprisonment for not more than 10 days, or by both.~~

Sec. 8. R. S., T. 29, § 2121, amended. The last paragraph of section 2121 of Title 29 of the Revised Statutes is amended to read as follows:

Whoever while operating a vehicle in violation of any of the provisions of this Title shall fail or refuse when requested by an officer authorized to make arrests to give his correct name and address shall be punished by a fine of not more than \$100 ~~or by imprisonment for not more than 90 days, or by both.~~

Sec. 9. R. S., T. 29, § 2123, amended. Section 2123 of Title 29 of the Revised Statutes, as amended by section 2 of chapter 474 of the public laws of 1969, is further amended to read as follows:

§ 2123. Penalties

It shall be ~~a misdemeanor~~ **unlawful** for any owner or operator, or both, of any vehicle required to be inspected under section 2122 to operate or permit

to be operated such vehicle without having displayed thereon a current and valid certificate of inspection or fail to produce same on demand of any police officer. Whoever violates or fails to comply with any provision of sections 1369, 1370 and 2122 to 2127, or any rules or regulations established thereunder, shall be punished by a fine of not less than \$10 nor more than \$100 ~~or by imprisonment for not more than 90 days, or by both.~~

Sec. 10. R. S., T. 29, § 2187, amended. Section 2187 of Title 29 of the Revised Statutes is amended to read as follows:

§ 2187. Stopping of traffic by hawkers and vendors forbidden

Whoever, for the purpose of soliciting any alms, contribution or subscription or of selling any merchandise or ticket of admission to any game, show, exhibition, fair, ball, entertainment or public gathering, signals a moving vehicle on any highway, or causes the stopping of a vehicle thereon, or accosts any occupant of a vehicle stopped thereon at the direction of a police officer or signalman, or of a signal or device for regulating traffic, shall be punished by a fine of not more than \$50 ~~or by imprisonment for 30 days.~~

Sec. 11. R. S., T. 29, § 2188, amended. The 2nd paragraph of section 2188 of Title 29 of the Revised Statutes is amended to read as follows:

Any person violating any of the provisions of this section shall be punished by a fine of not more than \$50 ~~or by imprisonment for not more than 30 days, or by both.~~

Sec. 12. R. S., T. 29, § 2302, amended. The first sentence of section 2302 of Title 29 of the Revised Statutes is amended to read as follows:

The District Court shall have original and concurrent jurisdiction with the Superior Court over all prosecutions, **except those within the exclusive jurisdiction of the Traffic Court,** for violation of this Title.

Sec. 13. R. S., T. 29, § 2303, amended. Section 2303 of Title 29 of the Revised Statutes is amended to read as follows:

§ 2303. General penalty

Whoever violates or fails to comply with any provision of this Title, or any rules or regulations established thereunder, when no other penalty is specifically provided, shall be punished by a fine of not less than \$10 nor more than \$100 ~~or by imprisonment for not more than 90 days, or by both.~~

Sec. 14. R. S., T. 29, § 2303, sub-§§ 1 - 4, additional. Section 2303 of Title 29 of the Revised Statutes is amended by adding 4 new subsections 1 to 4, to read as follows:

1. Territorial jurisdiction. In all violations of this Title where the maximum penalty provided for is not more than \$100 the District Court shall have exclusive original jurisdiction in relations to acts or offenses committed within the respective territorial jurisdiction of said court. When so exercising said jurisdiction, the District Court shall sit as the Traffic Court.

2. **Violation not a criminal conviction.** In all cases where the District Court properly sits as the Traffic Court a finding that there has been a violation of one of the provisions of this Title shall not constitute a criminal conviction.

3. **Right to appeal.** Any person found guilty in Traffic Court shall have the right to appeal to Superior Court on questions of law in such manner as the Supreme Judicial Court by rule shall provide.

4. **Procedure to regulate proceedings.** The Supreme Judicial Court shall by rule establish a procedure to regulate proceedings in Traffic Court.

Sec. 15. R. S., T. 29, § 2304, amended. The first sentence of section 2304 of Title 29 of the Revised Statutes is amended to read as follows:

Every court in every case wherein a person is found to have violated or is convicted of the violation of any statute or appeals from any conviction relative to motor vehicles or to the operation of any vehicle shall forthwith transmit to the Secretary of State an abstract, duly certified, setting forth therein the names of the parties, the nature of the offense, the date of hearing, the plea, the judgment and the result; and in cases involving any violation or sections 1251 to 1254 and 1256 the abstract shall contain the legal speed involved and the speed of which the person was convicted; and they shall be open to public inspection during reasonable hours.

STATEMENT OF FACT

This legislation would reform the system for handling motor vehicle violations in Maine's courts. Under present law, such violations, even minor ones, are treated like other criminal offenses. They are punishable by imprisonment, and the defendant can demand a jury trial in the Superior Court. In addition, the defendant who has a hearing in the District Court can appeal a conviction to the Superior Court and receive the equivalent of a new trial. As a result, the Superior Court has to waste much of its time with traffic cases it should not have to hear. This situation delays court action on more serious matters and compromises the deterrent effect of our traffic laws.

Under the proposed legislation, the more serious traffic offenses, like reckless driving or operating a motor vehicle while impaired by alcohol, remain punishable by imprisonment as well as by fine. They would still be heard in the District Court, with the right to jury trial in the Superior Court and an unlimited right of appeal. But minor traffic offenses, like failure to keep to the right, would no longer be subject to imprisonment. Such offenses would be subject to the exclusive jurisdiction of the District Court, sitting as a Traffic Court, with authority to impose fines or suspend licenses. In all cases where the District Court sits as the Traffic Court, a finding of a violation would not constitute a criminal conviction. An appeal to the Superior Court in such cases would be confined to questions of law.