

# MAINE STATE LEGISLATURE

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# ONE HUNDRED AND SEVENTH LEGISLATURE

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## Legislative Document

No. 1812

H. P. 1158

House of Representatives, March 25, 1975

On motion of Mr. Gauthier of Sanford, referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Hughes of Auburn.

Cosponsor: Mrs. Miskavage of Augusta.

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## STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FIVE

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### AN ACT to Implement the Recommendations of the Maine Traffic Court Advisory Committee.

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

**Sec. 1. 4 MRSA § 105, first sentence,** is amended to read:

The Superior Court, exclusive of the Supreme Judicial Court, shall have and exercise jurisdiction and have and exercise all of the powers, duties and authority necessary for exercising the jurisdiction in any and all matters either original or appellate, which were, prior to January 1, 1930, within the jurisdiction of the Supreme Judicial Court or any of the Superior Courts, whether cognizable at law or in equity, except as concurrent or exclusive jurisdiction is vested in the District Court, and except as provided in Title 14, section 5301, provided that it shall have and exercise none of the jurisdiction, powers, duties and authority of the Supreme Judicial Court sitting as a law court.

**Sec. 2. 4 MRSA § 152, first sentence,** as last amended by PL 1971, c. 544, § 6, is further amended to read:

The District Court shall possess the civil and criminal jurisdiction exercised by all trial justices and municipal courts in the State on September 16, 1961, and in addition, original jurisdiction, concurrent with that of the Superior Court of all civil actions in which neither damages in excess of \$20,000 nor equitable relief is demanded, of proceedings under Title 14, sections 6651 to 6658 and of actions for divorce or annulment of marriage and of proceedings under Title 19 and original jurisdiction, concurrent with that of the probate court, of actions for separation.

**Sec. 3.** 4 MRSA § 152, as last amended by PL 1971, c. 544, § 6, is amended by adding a new paragraph after the 1st paragraph to read:

**The District Court shall possess the criminal jurisdiction exercised by all trial justices and municipal courts in the State on September 16, 1961, except as provided in Title 29, § 2302.**

**Sec. 4.** 4 MRSA § 156, sub-§ 1, is repealed and the following enacted in place thereof:

**1. Appeals.** Appeals from the District Court shall be on questions of law only and shall be determined by the Superior Court on the record.

**Sec. 5.** 4 MRSA § 164, first ¶, is amended to read:

The Chief Judge shall be responsible to **and under the supervision of** the Chief Justice of the Supreme Judicial Court for the operation of the District Court and shall serve as Chief Judge at the pleasure of the Chief Justice. To this end the Chief Judge shall:

**Sec. 6.** 4 MRSA § 164, sub-§§ 6, 7 and 8, are amended to read:

**6. Records and reports.** Prescribe, **subject to the approval of the Chief Justice or his delegate**, the records to be kept and destroyed and the reports to be made by each district judge;

**7. Statistics.** Collect ~~and publish~~ such statistics **and other information** pertaining to the business of the District Court as ~~he deems desirable~~ **are requested by the Chief Justice or his delegate**;

**8. Budget.** Prepare and submit ~~an~~ **a proposed** annual budget for the District Court **to the Chief Justice or his delegate**;

**Sec. 7.** 4 MRSA § 164, sub-§ 12, ¶ B, first ¶, is amended to read:

**B. Infractions 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~~ **infractions** within the authority of the violations clerk. Such ~~offenses~~ **infractions** shall not include:

**Sec. 8.** 4 MRSA § 164, sub-§ 12, ¶ B, sub-¶ (18) is enacted to read:

(18) **A 2nd or subsequent moving traffic offense within a 12 month's period.**

**Sec. 9.** 4 MRSA § 164, sub- § 12, ¶ C, as enacted by PL 1969, c. 299, is amended to read:

**C. Plea and payment of fines and costs.** Any person charged with any traffic ~~offense~~ **infraction** 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 admitting the infraction charged~~ and waiver of trial and pay the fine established for the ~~offense~~ **infraction** charged, and costs. Any person so ~~pleading guilty entering a plea admitting the infraction charged~~ 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~~ adjudication will be sent to the Secretary of State.

Sec. 10. 4 MRSA § 164, sub-§ 12, ¶ D, as last amended by PL 1973 c. 625, § 9, is amended to read:

D. Procedure after one or more convictions or adjudications within a 12 month's period. Any person who has been found guilty of or who has signed a plea of guilty to, or who has been found to have committed or who has signed a plea admitting or admitting with an explanation, one or more previous traffic offenses subject to this subsection within a 12 month's period 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 subsection shall recite on the oath or affirmation of the offender whether or not he has been previously found guilty or to have committed or has previously signed a plea of guilty to, admitting, or admitting with an explanation one or more traffic offenses within a 12 month's period. Any person swearing falsely to such statement shall, upon conviction, be guilty of a misdemeanor and subject to a fine of up to \$50.

Sec. 11. 4 MRSA § 164, sub-§ 12, ¶ E, as enacted by PL 1969, c. 299, is amended to read:

E. Chief Judge to authorize procedures. The Chief Judge, following notification to the Chief Justice of the Supreme Judicial Court or his delegate, may authorize such forms and procedures as he deems appropriate to carry out the provisions of this section.

Sec. 12. 4 MRSA § 164, sub-§§ 13 and 14, are enacted to read:

13. Additional duties. The Chief Judge of the District Court shall perform such additional duties as may be assigned by the Chief Justice of the Supreme Judicial Court.

14. Powers reserved to the Supreme Judicial Court. Powers not herein enumerated but necessary or desirable for the proper administration of the courts may, from time to time, be promulgated and assigned, by rule of the Supreme Judicial Court.

Sec. 13. 4 MRSA § 165, first sentence, is amended to read:

The District Court shall have jurisdiction, and, except as provided in Title 29, section 2302, concurrent jurisdiction with the Superior Court, of all crimes and offenses including violations of any statute or bylaw of a town, village corporation or local health officer, or breaches of the peace, not punishable by imprisonment in the State Prison, and complaints for desertion and non-support or nonsupport of dependents where either the spouse, dependent or the respondent resides and may for such crimes and offenses impose any of the fines or sentences provided by law to be imposed therefor.

Sec. 15. 4 MRSA § 171, first ¶, as last repealed and replaced by PL 1965, c. 356, § 4, is amended to read:

When complaint is made to the proper officer of the District Court charging a person with the commission of an offense, **including a traffic infraction**, he shall issue a warrant for his arrest in such form and under such circumstances as the Supreme Judicial Court shall by rule provide.

**Sec. 16. 4 MRSA § 173, sub-§ 1, first and 2nd ¶¶** are amended to read:

This section applies only to costs and fees arising from the criminal and **traffic infraction** proceedings in the District Court. When any criminal or **traffic infraction** case is appealed from such court to the Superior Court, the latter may tax and impose costs from its proceeding which may not include any fees or costs arising from the proceedings or arrest in the lower court.

Nothing in this section shall be interpreted to prohibit a court from filing a case upon payment of costs without a conviction or **adjudication**.

**Sec. 17. 4 MRSA § 173, sub§ 1, 4th ¶.** as last amended by PL 1971, c. 618, § 12, is amended to read:

The term "law enforcement officer" shall include a state police officer, inland fish and game warden, forest ranger, state liquor inspector, sheriff, deputy sheriff, municipal police officer, constable, authorized representative of the Board of Environmental Protection and any person whose duty it is to enforce any criminal or **traffic** law of this State by making arrests.

**Sec. 18. 4 MRSA § 173, sub-§ 2,** as last amended by PL 1965, c. 356, § 5, is further amended to read:

**2. Defendant not to be sentenced to pay costs of court as such.** The District Court may not, in any criminal or **traffic infraction** proceeding, sentence any defendant to pay costs of court as such, but may take the costs into consideration and include in any fine imposed a sum adequate to cover all or any part of them without reference to such costs and without taxing them, provided the maximum fine for the particular offense is not exceeded.

**Sec. 19. 4 MRSA § 173, sub-§ 3, first sentence,** is amended to read:

Such court need not tax total costs in a criminal or **traffic infraction** proceeding, but shall tax and itemize witness fees which are payable by the county or the State as provided in this section.

**Sec. 20. 4 MRSA § 173, sub-§ 4, 3rd ¶,** as last amended by PL 1967, c. 244, is further amended to read:

Municipalities shall be reimbursed by the county for all reasonable expenses incurred by police officers and constables for travel within the State between their employing municipality and any other place within the State **when such travel is as a consequence of an arrest, or for the purpose of making an arrest on a criminal or traffic infraction warrant or to commit and transport a person to any jail or institution within the State,** such expenses to be calculated at the state mileage rate for the travel of such officers and constables to and from their employing municipality.

**Sec. 21. 4 MRSA § 173, sub-§ 4, 5th ¶, first sentence,** as last amended by PL 1971, c. 593, § 22, is further amended to read:

The Treasurer of State, except in a case where any part of any fine collected shall accrue to the Department of Transportation, shall pay the latter \$4 each time a state police officer duly signs, as arresting officer, the return of a criminal or traffic infraction warrant issued by the District Court.

**Sec. 22. 4 MRSA § 173, sub-§ 4, 7th ¶,** as last amended by PL 1967, c. 449, § 4, is further amended to read:

In cases involving criminal liability for nonsupport of dependent children who are wards of the State and of dependent children who are recipients of aid from the State as such dependent children, expense incurred for travel shall be borne between the county and the State in the proportion that the expense of public aid involved is borne between the municipality concerned and the State. Neither the court nor the Treasurer of State shall be required to pay any fee for the services or expense of any other law enforcement officer before such courts in any criminal or traffic infraction proceeding as arresting officer, as an aide, as a witness or in any other capacity.

**Sec. 23. 4 MRSA § 173, sub-§ 4, last ¶, first sentence,** as enacted by PL 1971, c. 252, is amended to read:

The Treasurer of State shall pay any municipality a flat fee of \$20 for each day or part thereof that a municipal law enforcement officer, designated by the municipality as its court officer, is required to be physically present in a District Court House in order to adequately handle such municipality's case load. In addition, the Treasurer of State shall pay any municipality a flat fee of \$20 per day for every day or part thereof, but no more than \$20 for any one day, such municipality loses the services of one or more law enforcement officers because such officer or officers are performing some act authorized or required by a District Court Rule of Criminal Procedure or is a witness in a criminal or traffic infraction case within the jurisdiction of the District Court.

**Sec. 24. 4 MRSA § 174, first ¶** is amended to read:

The costs and fees taxed and allowed in all divisions of the District Courts shall be as follows:

**Sec. 25. 4 MRSA § 174, next to the last ¶** is amended to read:

Fees in criminal and traffic infraction cases.

Receiving a complaint and issuing a warrant \$5.

**Sec. 26. 4 MRSA § 176,** as last amended by PL 1965, c. 356, § 6, is further amended to read:

#### **§ 176. Fees for entering an appeal**

No Judge of a District Court division shall demand or receive any fees for entering an appeal or admitting to bail to prosecute it, in a criminal or traffic infraction case. The legal fees therefor may be taxed in the bill of costs, and certified and paid like other fees.

**Sec. 27. 4 MRSA § 564** is amended to read:

**§ 564. Record of criminal or traffic infraction cases; certain convictions or adjudications not criminal records**

In indictments for felonies, clerks shall make extended records of the process, proceedings, judgment and sentence. In other indictments, it is sufficient to record the title of the case, the nature of the indictment, the term when it was found, the proceedings in brief thereon and the judgment and sentence of the court. In criminal or traffic infraction prosecutions brought up by appeal from inferior courts, it is sufficient to record the title of the case, the nature and date of the complaint, the name and official character of the judge before whom the case was tried and the sentence appealed from and its date, to be followed by correct minutes of the proceedings and judgment in the appellate court. Such record may be made by microfilm process.

Convictions for violation of the fish and game laws or motor vehicle traffic laws or municipal ordinances where the fine imposed does not exceed \$50 or adjudications for violations constituting traffic infractions shall not be deemed to constitute a criminal record against any person so convicted or adjudicated. This section shall not exempt any court from filing court abstracts as now required by law.

**Sec. 27-A.** 4 MRSA § 651, last ¶, as enacted by PL 1971, c. 382, is amended to read:

The Supreme Judicial Court ~~may~~ shall prescribe rules, requirements and regulations, not inconsistent with this Title or other laws of the State, which will insure the production of a readable record of proceedings before the District Court by **stenographic methods or any other suitable means** ~~of, including but not limited to,~~ electronic recording equipment.

**Sec. 27-B.** 15 MRSA § 2114, as last repealed and replaced by PL 1973, c. 520, is repealed.

**Sec. 28.** 15 MRSA § 2552, 2nd ¶, as last amended by PL 1971, c. 544, § 51, is further amended to read:

Juvenile Courts shall have no jurisdiction over offenses in which any juvenile is charged with the violation of any provision of Title 29, **Title 28, chapter 25**, Title 38, chapter 1, subchapter VI, and Title 12, chapter 304, or over any other traffic law or ordinance, if such offense is a misdemeanor or traffic infraction, except that juvenile courts shall have exclusive, original jurisdiction over offenses in which any juvenile is charged with a violation of Title 29, sections 900, 1312, 1315 and 1316 and Title 12, section 1978, subsection 2, or of Title 38, section 237, subsection 2.

**Sec. 29.** 16 MRSA § 201 is amended to read:

**§ 201. Self-incrimination; waiver**

No defendant shall be compelled to testify in any action when the cause of action implies an offense against the criminal law or a traffic infraction on his part. If he offers himself as a witness, he waives his privilege of not

criminating himself, but his testimony shall not be used in evidence against him in any criminal or **traffic infraction** prosecution involving the same subject matter.

**Sec. 30. 16 MRSA § 600, first 2 ¶¶, as repealed and replaced by PL 1973, c. 706, are amended to read:**

Any person having been acquitted of a crime or **an infraction** in any court or having had a complaint, information or indictment against him dismissed by any court shall be entitled to expungement of any records or recordings of any arrest and detention in connection with such charge, complaint, information or indictment.

The granting of an acquittal of a crime or **an infraction** or the dismissal of a complaint, information or indictment shall mean that the person shall, for all purposes, be considered as never having been arrested for such charge, **traffic infraction** or crime. No person, firm, corporation or employer shall use information concerning an offense for which an acquittal or dismissal has been granted in any manner to the detriment of the person who is acquitted or against whom charges have been dismissed.

**Sec. 31. 16 MRSA § 600, sub-§ 1, first ¶, as enacted by PL 1973, c. 706, is amended to read:**

The effect of expungement of criminal or **traffic infraction** records as outlined in this section shall be the following:

**Sec. 32. 28 MRSA § 1001, as last amended by PL 1971, c. 598, § 63, is further amended by adding the following new paragraph at the end:**

**Any violation of this section shall be a traffic infraction.**

**Sec. 33. 28 MRSA § 1002, 1st and 3rd ¶, are amended to read:**

Upon ~~conviction~~ **adjudication** of any offense **traffic infraction** under section 1001, the court shall suspend the operator's license, if any, for a period of 10 days and shall forthwith forward said license to the Secretary of State together with the record of ~~conviction~~ **adjudication** on the form furnished for reporting convictions and **adjudications** ~~of~~ for violations of Title 29. The court may recommend a further suspension of the license for an additional period not to exceed a total of 60 days, in which case such recommendation shall be noted on the abstract of ~~conviction~~ **adjudication** sent to the Secretary of State.

It is intended that the penalty herein defined shall be the sole and exclusive penalty for the ~~conviction of adjudication~~ for this offense **traffic infraction**, and shall not be in conflict with Title 15, chapters 401 to 409, but is additional to the criminal offense defined in section 303.

**Sec. 34. 28 MRSA § 1003, is amended to read:**

**§ 1003. Execution of suspension stayed during appeal**

If any person ~~convicted of~~ **adjudicated to be in violation** of section 1001 shall appeal from the judgment and sentence of the trial court, **the execution**



of any suspension imposed on his license and right to operate a motor vehicle in this State shall ~~not be suspended~~ **stayed** until ~~conviction~~ **adjudication** on appeal or withdrawal of the appeal.

Sec. 35. 29 MRSA § 1, sub-§17-C, is enacted to read:

17-C. Traffic infraction. "Traffic infraction" shall mean any violation of any provision of this Title, or of any rules or regulations established thereunder, not expressly defined as a felony or misdemeanor, and otherwise not punishable by incarceration or by a fine of more than \$500. A traffic infraction is not a crime and the penalty therefor shall not be deemed for any purpose a penal or criminal punishment. There shall be no right to trial by jury for a traffic infraction.

Sec. 36. 29 MRSA § 102, first sentence, is amended to read:

Except as section 2243 provides for reciprocity with other states, any resident of this State and any owner, as defined in section 1, ~~shall who knowingly fails to register any vehicle to be operated or to remain on any way in this State shall be punished by a fine or not less than \$25 nor more than \$500 or by imprisonment for not more than 90 days, or by both,~~ except that residents of this State who have been required to register a vehicle in another state may operate said vehicle in this State for a period not to exceed a total of 30 calendar days in any one year.

Sec. 37. 29 MRSA § 111, is repealed and the following enacted in place thereof:

### § 111. Carrying of registration certificate

1. Requirement. The certificate of registration shall always be carried on the person of the operator or occupant, or in some easily accessible place in or about the vehicle therein described, except that certificates of registration of dealers need not be so carried.

2. Penalty. Whoever knowingly violates any provision of this section shall be punished by a fine of not less than \$25 nor more than \$500 or by imprisonment for not more than 90 days, or by both.

Sec. 38. 29 MRSA § 113, is amended by adding after the first sentence, the following new sentence to read:

**Willful failure to comply with this requirement shall be a misdemeanor.**

Sec. 39. 29 MRSA § 151, as last amended by PL 1973, c. 211, § 1, is further amended by adding at the end the following new paragraph:

**Willful failure to comply with this section shall be a misdemeanor.**

Sec. 40. 29 MRSA § 193, first ¶, as last repealed and replaced by PL 1973, c. 2, is amended by adding at the end the following new sentence:

**Willful failure to comply with this requirement shall be a misdemeanor.**

Sec. 41. 29 MRSA § 342, as enacted by PL 1973, c. 529, § 1, is amended by adding at the end the following new paragraph:

Willful failure to obtain such a license or to comply with any provision of sections 347 or 349-A shall be a misdemeanor.

Sec. 42. 29 MRSA § 361, 2nd ¶, as enacted by PL 1973, c. 529, § 1, is amended by adding after the first sentence, the following new sentence to read:

Willful failure to keep such a record shall be a misdemeanor.

Sec. 43. 29 MRSA § 531, first ¶, is amended by adding at the end the following new sentence:

Any resident of this State who operates a motor vehicle on any way, in knowing violation of this subchapter and without being licensed by the State to operate such motor vehicle, shall be punished by a fine of not less than \$25 nor more than \$500 or by imprisonment for not more than 90 days, or by both.

Sec. 44. 29 MRSA § 534, last sentence, is amended to read:

Any person operating a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him shall be punished by a fine of not more than \$100 ~~or by imprisonment for not more than 90 days, or by both.~~

Sec. 45. 29 MRSA § 537, as last amended by PL 1969, c. 590, § 56-A, is further amended by adding a new paragraph at the end to read:

Any unlicensed person who operates any motor vehicle, including a motorcycle, upon any way in this State on an instruction permit without the presence in or on said vehicle of a person licensed to operate such a vehicle, or when he has theretofore had a license revoked, suspended or finally refused, shall be punished by a fine of not less than \$25 nor more than \$500 or by imprisonment for not more than 90 days, or by both.

Sec. 46. 29 MRSA § 726, is amended by adding before the last sentence, a new sentence to read:

Willful failure to keep such records shall be a misdemeanor.

Sec. 46-A. 29 MRSA § 730 is amended to read:

#### § 730. Penalties

Any person who operates a commercial driver education school or acts as a commercial instructor without a license therefor shall be punished by a fine of not less than \$50 nor more than \$500, or by imprisonment for not more than ~~90~~ 30 days, or by both.

Sec. 47. 29 MRSA § 892, is amended by adding at the end a new paragraph to read:

Any owner of a vehicle reported as stolen who fails in disregard of this section to give such notice of its recovery shall be punished by a fine of not less than \$25 nor more than \$500 or by imprisonment for not more than 90 days, or by both.

**Sec. 48.** 29 MRSA § 895, is amended by adding at the end a new paragraph to read:

**Whoever fails in disregard of this section to render such a report shall be punished by a fine of not less than \$25 nor more than \$500 or by imprisonment for not more than 90 days, or by both.**

**Sec. 49.** 29 MRSA § 897, is amended by adding at the end a new paragraph to read:

**Whoever willfully fails to comply with this section shall be guilty of a misdemeanor.**

**Sec. 50.** 29 MRSA § 898, is amended by adding at the end a new paragraph to read:

**Whoever willfully fails to comply with this section shall be guilty of a misdemeanor.**

**Sec. 51.** 29 MRSA § 900-A, as enacted by PL 1967, c. 40, is amended by adding at the end the following new sentence:

**Any violation of this section shall be a misdemeanor.**

**Sec. 52.** 29 MRSA § 1371, as enacted by PL 1967, c. 70, is amended by adding at the end a new sentence to read:

**Any violation of this section shall be a misdemeanor.**

**Sec. 53.** 29 MRSA § 2019, sub-§ 1, as enacted by PL 1973, c. 780, § 4, is amended by adding at the end the following new sentence:

**Any such operator who fails to comply with this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$50 nor more than \$500 or by imprisonment for not more than 90 days, or by both.**

**Sec. 54.** 29 MRSA § 2123, 2nd sentence, as last amended by PL 1969, c. 474, § 2, is further amended to read:

**Whoever violates or fails to comply with any provision of sections 1369 ~~1370~~ and 2122 to ~~2127~~ 2126, 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. 55.** 29 MRSA § 2183, is amended by adding at the end, the following new paragraph:

**Whoever willfully violates any provision of this section shall be guilty of a misdemeanor.**

**Sec. 56.** 29 MRSA § 2186, as last amended by PL 1973, c. 269, is further amended by adding a new paragraph at the end to read:

**Whoever willfully violates any provision of this section shall be guilty of a misdemeanor.**

**Sec. 57.** 29 MRSA § 2187 is amended to read:

**§ 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. 58. 29 MRSA § 2188, 2nd ¶** is amended to read:

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. 59. 29 MRSA § 2241-C**, as enacted by PL 1971, c. 292, § 2, is amended by adding at the end, the following new paragraph:

Whoever willfully violates this section shall be punished by a fine of not less than \$50 nor more than \$500 or by imprisonment for not more than 90 days, or by both.

**Sec. 60. 29 MRSA § 2300** is enacted to read:

**§ 2300. Uniform traffic ticket and complaint**

1. **Form.** Every law enforcement agency in this State shall use traffic citations in the form known as the Uniform Traffic Ticket and Complaint, which shall be substantially uniform throughout the State and which shall be issued in books with citations in no less than quadruplicate and meeting the requirements of this chapter.

2. **Responsibility for issuance and disposition.**

A. The District Court shall be responsible for all Uniform Traffic Tickets and Complaints issued to law enforcement agencies or others.

B. The chief executive officer of every such law enforcement agency or his designate shall be responsible for the further issuance of such books to individual law enforcement officers and for their proper disposition.

3. **Illegal disposition.** It shall be unlawful and official misconduct for any law enforcement officer or other officer or public employee to dispose of a Uniform Traffic Ticket and Complaint or any portion thereof or of the record of the issuance thereof in a manner other than as required under rules or regulations promulgated pursuant to this section. Any person who solicits or aids in the disposition, or attempted disposition, of a Uniform Traffic Ticket and Complaint or any portion thereof in any unauthorized manner shall be guilty of a misdemeanor.

4. **When a lawful complaint.** In the event that the traffic citation provided under this section includes information and is sworn to as required under the general laws of this State in respect to a complaint charging commission of the offense alleged in said citation to have been committed, then

such citation when filed with a court having jurisdiction shall be deemed a lawful complaint for the purpose of prosecution under this Title.

Sec. 61. 29 MRSA § 2302, first sentence, is amended to read:

The District Court shall have original and ~~concurrent~~ **exclusive** jurisdiction ~~with the Superior Court~~ over all prosecutions for traffic infractions and for any other violations of this Title for which trial by jury has been waived. The District Court shall have original and concurrent jurisdiction with the Superior Court over all prosecutions for any other violations of this Title.

Sec. 62. 29 MRSA §§ 2302-A and 2302-B are enacted to read:

§ 2302-A. Three or more infractions a misdemeanor

Any motorist who has been adjudged to have committed 3 or more traffic infractions arising out of separate acts within a 12 month's period, in disregard of the motor vehicle laws of this State, may be prosecuted under a separate complaint as a misdemeanant. The District Court division adjudicating the most recent such infraction or the division where such a motorist resides shall have jurisdiction.

§ 2302-B. Violation causing personal injury or property damage a misdemeanor

Any violation of any provision of this Title, or of any rule or regulation established thereunder, that would otherwise be a traffic infraction but which results in personal injury or property damage shall be a misdemeanor and shall be punished by a fine of not less than \$50 nor more than \$500 or by imprisonment for not more than 90 days, or by both.

Sec. 63. 29 MRSA § 2303 is repealed and the following enacted in place thereof:

§ 2303. General penalty

1. Traffic infraction; violation. Any violation of this Title defined as a traffic infraction shall be punished by a fine of not less than \$25 nor more than \$500 when no other penalty is specifically provided.

2. Misdemeanor. Any violation of this Title specifically defined as a misdemeanor shall be punished by a fine of not less than \$50 nor more than \$500 or by imprisonment for not more than 30 days, or by both, when no other penalty is specifically provided.

Sec. 64. 29 MRSA § 2304 is amended to read:

§ 2304. Conviction record to Secretary of State; public record

Every court in every case wherein a person is convicted of or adjudicated to have committed the violation of any statute or appeals from any conviction or adjudication 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 in-

volving any violation of 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. Said judges may make such recommendations to the Secretary of State as to suspension or revocation of licenses and certificates of registration of respondents as they deem to be in furtherance of justice.

**Sec. 65. 29 MRSA § 2305, first sentence**, as last amended by PL 1967, c. 5, is further amended to read:

In addition to **or instead of** any other penalty provided in this Title and imposed by any court upon any person for violation of any provision of this Title, the court may suspend an operator's license for a period not exceeding ~~30~~ 60 days, in which case the judge shall take up the license certificate of such person, who shall forthwith surrender the same, and forward it by mail to the Secretary of State.

**Sec. 66. 29 MRSA § 2306** is enacted to read:

**§ 2306. Execution of suspension stayed during appeal**

**If any person adjudicated to have committed a traffic infraction shall appeal from the judgment and sentence of the trial court, the execution of any suspension imposed on his license and right to operate a motor vehicle shall be stayed until adjudication on appeal or withdrawal of the appeal, unless good cause is shown why he should not be allowed to retain his license and right to operate.**

**Sec. 67. 29 MRSA § 2371, sub-§ 3**, as enacted by PL 1973, c. 586, § 1, is amended by adding at the end the following new sentence:

**Willful failure to comply with this requirement shall be a misdemeanor.**

**Sec. 68. 29 MRSA § 2377**, as enacted by PL 1973, c. 586, § 1, is amended to read:

**§ 2377. Dismantling or destruction of vehicle**

Any owner who scraps, dismantles or destroys a vehicle and any person who purchases a vehicle as scrap or to be dismantled or destroyed shall immediately cause the certificate of title, together with the original plate showing the original number, to be mailed or delivered to the Secretary of State for cancellation. **Willful failure by such an owner or purchaser to comply with this requirement shall be a misdemeanor.** A certificate of title of the vehicle shall not again be issued except upon application containing the information the Secretary of State requires, accompanied by a certificate of inspection in the form and content specified in section 2364.

**Sec. 69. 30 MRSA § 301 first sentence**, is amended to read:

The county commissioners shall, in the shire town of their county, provide and keep in repair courthouses pursuant to Title 4, section 115 with a suitable room in each for the county law library; fireproof buildings of brick or stone for the safekeeping of records and papers belonging to the offices of registers

of deeds, and of probate and insolvency, and of the clerk of courts, with separate fireproof rooms, and suitable alcoves, cases or boxes for each office, and any other necessary buildings.

**Sec. 70.** 30 MRSA § 301, is amended by adding at the end the following new sentence:

**Any violation of such ordinances shall be traffic infractions.**

**Sec. 71.** 30 MRSA § 502, as last amended by PL 1973, c. 567, § 12 is further amended to read:

**§ 502. Criminal proceedings**

The district attorney shall attend all criminal terms held in the counties within the prosecutorial district for which he was elected and act for the State in all cases in which the State or county is a party or interested, and unless he makes an order of dismissal as provided, shall diligently and without delay prosecute to final judgment and sentence all criminal **and traffic infraction** cases before the Superior Court of any of the counties within his district, and in the absence of the Attorney General from a term in any of the said counties, shall perform his duties in state cases, under directions from him, in any of the said counties, and he shall appear and act for the State with the Attorney General in the law court in all state cases coming into said court from any of the said counties. No additional compensation shall accrue to the district attorney by the discharge of such duties.

**Sec. 72.** 30 MRSA § 1002, first sentence, is amended to read:

Any officer, in the execution of the duties of his office in criminal **and traffic infraction** cases, for the preservation of the peace, for apprehending or securing any person for the breach thereof or in case of the escape or rescue of persons arrested on civil process, may require suitable aid therein.

**Sec. 73.** 30 MRSA § 1004, as enacted by PL 1973, c. 108, is amended to read:

**§ 1004. Arrest in other counties**

Every sheriff or deputy sheriff in fresh pursuit of a person who travels beyond the limits of the county in which the officer is appointed shall have the same power to arrest such person as the officer has within the said county. This section shall apply to ~~both~~ felonies, ~~and~~ misdemeanors **and traffic infractions**.

With respect to felonies, the term "fresh pursuit" as used in this section shall be as defined in Title 15, section 152; with respect to misdemeanors **and traffic infractions**, "fresh pursuit" shall mean instant pursuit of a person with intent to apprehend.

**Sec. 74.** 30 MRSA § 1051, sub-§ 13, is amended to read:

**13. Aid in criminal and traffic infraction cases.** For each aid necessarily employed in criminal **and traffic infraction** cases, including expenses, compensation at the prevailing rate per day for deputy sheriffs, and in that pro-

portion for a longer or shorter time and 10 cents a mile to travel in going out and returning home, if necessary to travel by common carrier ;

Sec. 75. 30 MRSA § 2151, sub-§ 2, ¶ C, sub-¶ (2), is enacted to read :

(2) Any violation of any ordinance authorized by this paragraph shall be a traffic infraction.

Sec. 76. 30 MRSA § 2151, sub-§ 2, ¶ D, sub-¶ (3), is enacted to read :

(3) Unlawful parking of a vehicle in violation of any ordinance authorized by this paragraph shall be a traffic infraction.

Sec. 77. 30 MRSA § 2151, sub-§ 3, ¶ A, sub-¶ (3), is enacted to read :

(3) Any violation of any ordinance authorized by this paragraph shall be a traffic infraction.

Sec. 78. 30 MRSA § 2151, sub-§ 3, ¶ B, is amended by adding at the end the following new sentence :

**Any violation by the owner or operator of a vehicle for hire of any ordinance authorized by this paragraph shall be a traffic infraction.**

Sec. 79. 30 MRSA § 2361, sub-§ 2, as enacted by PL 1973, c. 135, § 1, is amended to read :

2. **Powers.** Police officers shall be empowered to serve criminal and traffic infraction processes and to arrest and prosecute offenders of the law. Except for the purpose of retaking a prisoner whom he has arrested and who has escaped, or for the purpose of taking a person before the District Court, or for the purpose of executing a mittimus given to him by such court, or for the purpose of pursuing a person who has gone into another municipality and for whose arrest a police officer has a warrant, no police officer shall have any authority in criminal or traffic infraction matters beyond the limits of the municipality in which he is appointed. A police officer has all the statutory powers of a constable, except as limited by municipal ordinance.

Sec. 80 30 MRSA § 2364, as enacted by PL 1973, c. 135, § 1, is amended to read :

#### § 2364. Arrest in other municipalities

Every municipal law enforcement officer in fresh pursuit of a person who travels beyond the limits of the municipality in which the officer is appointed shall have the same power to arrest such person as the officer has within the said municipality. This section shall apply to both felonies, and misdemeanors and traffic infractions.

With respect to felonies, the term "fresh pursuit" as used in this section shall be as defined in Title 15, section 152; with respect to misdemeanors and traffic infractions, "fresh pursuit" shall mean instant pursuit of a person with intent to apprehend.



## STATEMENT OF FACT

This Act reflects the recommendations of the Maine Traffic Court Advisory Committee, which was established by the Commissioner of Transportation pursuant to authorization by the 106th Legislature in Special Acts, Ch. 116 (L. D. 982, 1973). The recommendations are contained in a report prepared with the Committee by the National Center for State Courts dated January 1975, and a summary of that report, entitled "Maine Traffic Court Study," is incorporated by reference in the statement of fact.