

# MAINE STATE LEGISLATURE

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**2-B. Civil violation.** "Civil violation" shall have the same meaning given that term by Title 17-A, section 4.

**Sec. 2.** 1 MRSA § 72, sub-§ 2-C is enacted to read:

**2-C. Full age.** "Full age" means the age of 18 and over.

**Sec. 3.** 4 MRSA § 164, sub-§ 12, ¶ B, 1st sentence, as enacted by PL 1969, c. 299 and as last amended by PL 1975, c. 430, § 4, is further amended to read:

The Chief Judge shall by order, which may from time to time be amended, suspended or repealed, designate the traffic ~~infractions~~ offenses within the authority of the violations clerk. Such ~~infractions~~ offenses shall not include:

**Sec. 4.** 4 MRSA § 164, sub-§ 12, ¶ B, sub-¶ (18), as enacted by PL 1975, c. 408, § 17 and as amended by PL 1975, c. 623, § 3-C, is repealed.

**Sec. 5.** 4 MRSA § 171, 1st ¶, as repealed and replaced by PL 1965, c. 356, § 4 and as last amended by PL 1975, c. 430, § 7, is further amended to read:

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

**Sec. 6.** 4 MRSA § 171-A is enacted to read:

**§ 171-A. Traffic infraction complaints**

When complaint is made to the proper officer of the District Court charging a person with the commission of a traffic infraction, such officer of the District Court shall cause to be served upon the person a copy of the Uniform Traffic Ticket and Complaint in such form and under such circumstances as the Supreme Judicial Court shall by rule provide.

**Sec. 7.** 4 MRSA § 173, sub-§ 1, 1st ¶, as amended by PL 1975, c. 430, § 8, is further amended to read:

This section applies only to costs and fees arising from the criminal and ~~traffic infraction~~ civil violation proceedings in the District Court. When any criminal or ~~traffic infraction~~ civil violation 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.

**Sec. 8.** 4 MRSA § 173, sub-§ 1, 2nd ¶, as last amended by PL 1975, c. 95 and as repealed by PL 1975, c. 430, § 8, is repealed and the following enacted in place thereof:

Nothing in this section shall be interpreted to prohibit a court from filing a case upon payment of costs without a conviction or adjudication; provided that upon motion at any time by either party, the court shall bring a filed case forward and proceed to a disposition of the pending complaint.

**Sec. 9.** 4 MRSA § 173, sub-§ 1, 4th ¶, as last amended by PL 1975, c. 430, § 9, is further 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 **and any person whose duty it is to enforce any law of this State establishing a civil violation.**

**Sec. 10. 4 MRSA § 173, sub-§ 2**, as last amended by PL 1975, c. 430, § 10, 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~~ **civil violation** 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. 11. 4 MRSA § 173, sub-§ 3, 1st sentence**, as amended by PL 1975, c. 430, § 11, is further amended to read:

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

**Sec. 12. 4 MRSA § 173, sub-§ 4, 3rd ¶**, as last amended by PL 1975, c. 430, § 12, 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 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. 13. 4 MRSA § 173, sub-§ 4, 5th ¶**, as last amended by PL 1975, c. 430, § 13, 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 **and in every case in which a Uniform Traffic Ticket and Complaint or civil violation citation is issued to or served upon a person by a state police officer.** Such fees shall be paid only upon final disposition of the case and only in those cases in which the **judgment or the** sentence imposed, or a portion thereof, includes the imposition of a fine. In the event of an appeal from the decision of the District Court no such fees are to be paid except when such appeal is withdrawn and the original **judgment or** sentence is imposed by the District Court.

**Sec. 14.** 4 MRSA § 173, sub-§ 4, 7th ¶, last sentence, as last amended by PL 1975, c. 430, § 14, is repealed.

**Sec. 15.** 4 MRSA § 174, next to the last ¶, as last amended by PL 1975, c. 430, § 17, is further amended to read:

Fees in criminal and ~~traffic infraction~~ civil violation cases.

Receiving a complaint and issuing a warrant \$10.00

**Sec. 16.** 4 MRSA § 564, 1st ¶, 3rd sentence, as amended by PL 1975, c. 430, § 19, is amended to read:

In criminal prosecutions or ~~traffic infraction~~ ~~proceedings~~ civil violation proceedings 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 or judgment appealed from and its date, to be followed by correct minutes of the proceedings and judgment in the appellate court.

**Sec. 17.** 15 MRSA § 1901-A is enacted to read:

§ 1901-A. Costs taxable for State in civil violation proceedings

Costs taxable for the State in civil violation proceedings shall be as follows.

For failure to appear in court on the day specified in response to a civil violation citation or, in traffic infraction cases, in response to a Uniform Traffic Ticket and Complaint, \$15.

Unless the defendant shows that his failure to pay was not attributable to a willful refusal to obey the order of the court or to a failure on his part to make a good faith effort to obtain the funds required for the payment, for failure to pay a fine, imposed for the commission of a civil violation, within 30 days of entry of judgment, \$25.

**Sec. 18.** 16 MRSA § 201, as amended by PL 1975, c. 430, § 22, is further 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 incriminating 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. 19.** 16 MRSA § 251, 1st sentence, as last repealed and replaced by PL 1971, c. 544, § 52, is amended to read:

Witnesses, other than members of the State Police or municipal police officers, in the Supreme Judicial Court, the Superior Court, the District Court or in the probate court, unless the court shall otherwise order, shall receive \$10, and before referees, auditors or commissioners specially appointed to take testimony or special commissioners on disputed claims appointed by probate

courts, \$10, or before the county commissioners, \$10 for each day's attendance and 10¢ a mile for each mile's travel going and returning home.

**Sec. 20.** 25 MRSA § 1504, 3rd ¶, 1st sentence, as repealed and replaced by PL 1975, c. 369, § 4, is amended to read:

No inspector or member of the State Police shall receive any fee as a complainant or witness, in any civil or criminal proceeding, or for making an arrest, except that whenever members of the State Police are required by any court or prosecuting official to be in attendance in any proceeding as a complainant or a witness at times other than regular working hours, such members shall receive compensation on an hourly basis equal to their current hourly wage.

**Sec. 21.** 28 MRSA § 1003, as amended by PL 1975, c. 430, § 27, is further amended to read:

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

If any person 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 be stayed until adjudication on appeal or withdrawal of the appeal.

**Sec. 22.** 29 MRSA § 1, sub-§ 1; sub-§ 1-A, as enacted by PL 1965, c. 202, § 1 and as amended; sub-§§ 1-B to 1-F, as enacted by PL 1967, c. 245, § 1 and as amended, are repealed and the following enacted in place thereof:

**1. Adjudication.** "Adjudication" shall mean a finding by a judge of the District Court that a person has committed a traffic infraction, and shall include the entry of a plea, by a person charged with the commission of a traffic infraction, admitting the infraction charged.

**1-A. Antique motor car.** "Antique motor car" shall mean any motor vehicle over 25 years old which is maintained solely for use in exhibitions, club activities, parades and other functions of public interest and which is not used primarily for the transportation of passengers or goods over any way.

**1-B. Authorized emergency vehicle.** "Authorized emergency vehicle" shall mean vehicles of the fire department, police vehicles and such ambulances and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the Commissioner of Transportation.

**1-C. Automobile.** "Automobile" shall mean a motor vehicle designed for the conveyance of passengers with a seating capacity of not more than 14 persons.

**1-D. Bicycle.** "Bicycle" shall mean every device propelled by human power upon which any person may ride, having 2 tandem wheels either of which is more than 20 inches in diameter.

**1-E. Bus.** "Bus" shall mean every motor vehicle designed for carrying more than 14 passengers and used for the transportation of passengers; and

every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

1-F. **Business or residence district.** "Business or residence district" shall mean the territory of any municipality contiguous to any way which is built up with structures which are situated less than 150 feet apart for a distance of at least  $\frac{1}{4}$  of a mile.

1-G. **Camp trailer.** "Camp trailer" shall mean:

A. A trailer or semitrailer of less than 32 feet in length primarily designed and constructed to provide temporary living quarters for recreational, camping, travel or other use; or

B. A manufactured or homemade tent trailer, so called, which consists of a platform, shelf or box, with means of permanently or temporarily attaching a tent, used to provide temporary living quarters for recreational, camping, travel or other use.

1-H. **Crosswalk.** "Crosswalk" shall mean:

A. That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured for the curbs, or in the absence of curbs, from the edge of traversable roadways; or

B. Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Sec. 23. 29 MRSA § 1, sub-§ 17-C, as enacted by PL 1975, c. 430, § 28, is amended 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, but is a civil violation 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.

The term "traffic infraction" as used in any public or private law of this State, or in any rule or regulation adopted pursuant to any law of this State, shall have this same meaning and effect.

Sec. 24. 29 MRSA § 55-B, 1st sentence, as enacted by PL 1971, c. 109, is amended to read:

Reports of records pertaining to convictions, adjudications, accidents, suspensions, revocations and other information required by commercial users shall be furnished by the Secretary of State at a fee of \$2 for each request upon receipt of such request from an individual, insurance company or other party requiring such information.

Sec. 25. 29 MRSA § 102, 1st ¶, as amended by PL 1975, c. 430, § 29, is further 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, 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 of 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. 26.** 29 MRSA § 111, sub-§ 2, as last repealed and replaced by PL 1975, c. 430, § 30, is repealed and the following enacted in place thereof:

2. **Presentation.** No person charged with violating this section shall be adjudicated to have committed a traffic infraction if he produces in court a certificate of registration theretofore issued for said vehicle and valid at the time of the issuance of the summons. If the person charged shall exhibit to a law enforcement officer designated by the summoning officer such certificate of registration, not later than 24 hours before the time set for the court appearance, then the traffic infraction proceeding shall be dismissed.

**Sec. 27.** 29 MRSA § 113, 2nd sentence, as enacted by PL 1975, c. 430, § 31, is repealed.

**Sec. 28.** 29 MRSA § 151, last ¶, as enacted by PL 1975, c. 430, § 32, is repealed.

**Sec. 29.** 29 MRSA § 193, 1st ¶, last sentence, as enacted by PL 1975, c. 430, § 33, is repealed.

**Sec. 30.** 29 MRSA § 242, sub-§ 1, ¶ D, last sentence is amended to read: Any person who shall operate or move any vehicle under registration provided for herein outside the routes specified shall, upon ~~conviction~~ **adjudication**, be punished by a fine of not less than \$25 nor more than \$200.

**Sec. 31.** 29 MRSA § 342, last ¶, as enacted by PL 1975, c. 430, § 34, is amended to read:

~~Willful failure~~ **Failure** to obtain such a license or to comply with any provision of sections 347 or 348-A shall be a misdemeanor.

**Sec. 32.** 29 MRSA § 361, 2nd ¶, 2nd sentence, as enacted by PL 1975, c. 430, § 35, is amended to read:

~~Willful failure~~ **Failure** to keep such a record shall be a misdemeanor.

**Sec. 33.** 29 MRSA § 531, 1st ¶, last sentence, as enacted by PL 1975, c. 430, § 36, is repealed and the following enacted in place thereof:

Any person who operates a motor vehicle on any way without being duly licensed or without holding a valid instruction permit or in violation of any condition or restriction placed on the use of an instruction permit or operator's license under the authority of this subchapter 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. 34.** 29 MRSA § 531, 4th ¶ from the end is amended to read:

Any person who operates a vehicle or combination of vehicles not included within the class of license issued to him is deemed to be operating a vehicle without being duly licensed and is subject to the general penalties for such offenses as provided in section 2303.

**Sec. 35.** 29 MRSA § 531-B, as enacted by PL 1967, c. 239, is amended to read:

**§ 531-B. License or permit to be carried and exhibited on demand**

Every licensee, including persons to whom a temporary driver's license has been issued, and every person to whom an instruction permit has been issued shall have his operator's license or instruction permit in his immediate possession at all times when operating a motor vehicle and shall display the same upon demand of a police officer. No person charged with violating this section shall be convicted adjudicated to have committed a traffic infraction if he produces in court an operator's license or instruction permit theretofore issued to him and valid at the time of the issuance of a court summons. If the person charged shall exhibit to a law enforcement officer designated by the summoning officer such an operator's license or instruction permit, not later than 24 hours before the time set for the court appearance, then the complaint shall not issue traffic infraction proceeding shall be dismissed.

**Sec. 36.** 29 MRSA § 532, as last amended by PL 1975, c. 589, § 19, is further amended by adding at the end a new paragraph to read:

No person to whom an instruction permit has been issued shall operate a motorcycle or motor driven cycle other than during daylight hours or carry any passenger on a motorcycle or motor driven cycle unless such passenger is the holder of a valid license to operate a motorcycle.

**Sec. 37.** 29 MRSA § 533, last sentence, as amended by PL 1965, c. 130, is repealed.

**Sec. 38.** 29 MRSA § 534, last sentence, as amended by PL 1975, c. 430, § 37, is repealed.

**Sec. 39.** 29 MRSA § 537, as last amended by PL 1975, c. 430, § 38, is repealed.

**Sec. 40.** 29 MRSA § 726, 3rd sentence, as enacted by PL 1975, c. 430, § 39, is amended to read:

~~Willful failure~~ Failure to keep such records shall be a misdemeanor.

**Sec. 41.** 29 MRSA § 782, sub-§ 1, as last amended by PL 1973, c. 166, is further amended to read:

1. **Suspension of licenses.** Upon receipt of an abstract of the record in case cases of conviction or adjudication of any person for a violation of any state law relative to motor vehicles, the Secretary of State, in his discretion, may forthwith suspend the license of the person so convicted or adjudicated and the registration certificates and registration plates issued for any motor

vehicle, trailer or semitrailer registered in the name of such person unless and until such person gives and thereafter maintains for a period of 3 years proof of his financial responsibility in the limits of \$20,000 each individual, \$40,000 any one accident resulting in injury or death to one or more persons and \$10,000 for damage to property of others. The Secretary of State shall take action as required in this section upon receiving proper evidence of any such conviction or adjudication of any person in another state. The Secretary of State may waive the requirement of filing proof of financial responsibility at any time after 3 years from the date of request for compliance.

Sec. 42. 29 MRSA § 783, sub-§ 2, ¶ C, last sentence is amended to read:

Any person, who, after notice of such suspension, fails or refuses to return every such license, registration ~~certificates~~ certificate and registration plates plate to the said Secretary of State may, upon conviction, be punished by a ~~fine of not more than \$25~~ shall be guilty of a misdemeanor.

Sec. 43. 29 MRSA § 783, sub-§ 5, ¶ C is amended to read:

C. To either the owner or operator of a motor vehicle, trailer or semi-trailer involved in an accident that was caused by the ~~criminal~~ act of a 3rd party, for which ~~criminal~~ act constituted a violation of this Title and for which violation such 3rd party has been convicted or adjudicated;

Sec. 44. 29 MRSA § 891, 3rd ¶, 3rd sentence is amended to read:

Any person failing to comply with the requirements of this paragraph shall be guilty of a misdemeanor and 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 § 897, last paragraph, as enacted by PL 1975, c. 430, § 43, is amended to read:

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

Sec. 46. 29 MRSA § 898, last ¶, as enacted by PL 1975, c. 430, § 44, is amended to read:

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

Sec. 47. 29 MRSA § 900 is repealed.

Sec. 48. 29 MRSA § 902, 2nd ¶, 3rd sentence, as last amended by PL 1971, c. 593, § 22, is further amended to read:

The municipal officers of each municipality shall, within their respective municipalities, have the same power as the chief and members of the State Police in the enforcement of this section and of all rules and regulations promulgated by the Department of Transportation, the county commissioners and the municipal officers of towns pertaining thereto and in arresting all violators thereof and in prosecuting all offenders against the same.

Sec. 49. 29 MRSA § 959, 2nd sentence is amended to read:

The operator of such vehicle failing to so stop shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$200.

Sec. 50. 29 MRSA § 998, last ¶ is amended to read:

Whoever violates this section shall upon conviction, be punished as provided by section 900 be guilty of a misdemeanor.

Sec. 51. 29 MRSA § 1254, 2nd sentence, as last amended by PL 1969, c. 55, is further amended to read:

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 or traffic infraction proceedings where the speed of the motor vehicle under surveillance is at issue.

Sec. 52. 29 MRSA § 1313 is repealed and the following enacted in place thereof:

§ 1313. Homicide; revocation of license

The license of any person who, as a result of his operation of a motor vehicle in such a manner as to cause the death of any person, is convicted of a violation of Title 17-A, sections 201-205, or attempt thereof, shall be revoked immediately by the Secretary of State upon receipt of an attested copy of the court records, without further hearing. In case of an appeal, the license shall be suspended during the course of the appeal unless the trial court shall otherwise order, and the revocation shall start when and if the conviction is upheld. No person whose license or permit to operate a motor vehicle has been so revoked shall be licensed again or permitted to operate a motor vehicle for a period of 5 years from the time such license is revoked, except that in cases of conviction of Title 17-A, section 204 or 205, the Secretary of State may, after 2 years have elapsed from the date of such revocation, restore such license or permit with or without conditions or restrictions. For the purposes of this section and section 1312, a person shall be deemed to have been convicted if he pleaded guilty or nolo contendere or was otherwise adjudged or found guilty by a court of competent jurisdiction.

Sec. 53. 29 MRSA § 1314, as amended by PL 1971, c. 449, § 3, is further amended by adding at the end the following new sentence:

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

Sec. 54. 29 MRSA § 1315, as last amended by PL 1973, c. 567, § 20, is repealed.

Sec. 55. 29 MRSA § 1316, 1st sentence, as amended by PL 1967, c. 97, is further amended to read:

Any person who operates a motor vehicle in violation of any law of this State or any rule or regulation adopted pursuant to any law of this State, other than a violation of section 1315 and said violation is the proximate cause of the

death of another person, when the death of such person results within one year, shall be guilty of a criminal offense.

**Sec. 56.** 29 MRSA § 1963, 1st sentence is amended to read:

Any person of the age of 17 years or over who violates any of the provisions of sections 1961 and 1962 shall, upon ~~conviction~~ adjudication, be punished by a fine of not more than \$10.

**Sec. 57.** 29 MRSA § 2016, 2nd ¶, as enacted by PL 1973, c. 780, § 4, is amended to read:

The operator of a school bus failing to ~~so~~ stop or to yield the right of way to any train, engine or conveyance on said track or tracks shall be guilty of a misdemeanor and on conviction thereof ~~shall be punished by a fine of not less than \$200 nor more than \$500~~ and his permission to operate any school bus shall be ~~suspended~~ **revoked** by the Secretary of State for a period of not less than 2 years.

**Sec. 58.** 29 MRSA § 2121, 3rd sentence is amended to read:

Such law enforcement officer, in uniform and if he has probable cause to believe that a violation of law has taken or is taking place, may, at any time, stop a motor vehicle for the purpose of arresting in the case of a criminal violation or summoning in the case of a criminal violation or a traffic infraction, or questioning the owner or occupant thereof ~~or for the purpose of searching said motor vehicle.~~

**Sec. 59.** 29 MRSA § 2121, 2nd ¶, as amended by PL 1965, c. 431, § 21 is further amended by adding at the end the following new sentence.

**Failure to comply with this requirement shall be a misdemeanor.**

**Sec. 60.** 29 MRSA § 2122, 1st ¶, last 2 sentences are amended to read:

~~The owner or operator of said vehicle shall produce the certificate of inspection upon demand of any police officer. It shall be unlawful, except as otherwise provided, for any person to operate a vehicle on the highways of this State unless said vehicle has been inspected and bears a certificate as provided in this section.~~

**Sec. 61.** 29 MRSA § 2122-A is enacted to read :

**§ 2122-A. Failure to display inspection certificate**

It shall be 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.

**Sec. 62.** 29 MRSA § 2123, 1st sentence is repealed.

**Sec. 63.** 29 MRSA § 2183, last ¶ as enacted by PL 1975, c. 430, § 49, is amended to read:

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

**Sec. 64.** 29 MRSA § 2186, last ¶, as enacted by PL 1975, c. 430, § 50, is amended to read:

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

**Sec. 65.** 29 MRSA § 2241, sub-§ 1, ¶¶ A and B, as enacted by PL 1971, c. 292, § 1, are amended to read:

**A.** Has committed an offense for which mandatory suspension or revocation of license or registration is required upon conviction or adjudication;

**B.** Has been convicted or adjudicated with such frequency of ~~serious~~ offenses against traffic regulations governing the movement of vehicles as to indicate a disrespect for traffic laws and disregard for the safety of other persons on the highways;

**Sec. 66.** 29 MRSA § 2241, sub-§ 2, 1st 3 sentences, as enacted by PL 1971, c. 292, § 1, are amended to read:

For the purpose of identifying habitually reckless or negligent drivers and habitual or frequent violators of traffic regulations governing the movement of vehicles, the Secretary of State shall adopt regulations establishing a uniform system of assigning demerit points for convictions or adjudications of violations ~~regulating of statutes or regulations governing~~ the operation of motor vehicles. The regulations adopted by the Secretary of State shall include a designated level of point accumulation which so identifies drivers. The Secretary of State may assess points for convictions or adjudications in other states of offenses which, if committed in this State, would be grounds for such assessment.

**Sec. 67.** 29 MRSA § 2241, next to last ¶ is amended to read:

Any person who, after notice of such suspension or revocation, fails or refuses to obey any order of the Secretary of State under this section or fails or refuses to surrender to the Secretary of State, upon demand, any operator's license or registration issued in this State or any other state which has been suspended, cancelled or revoked by proper authority in this State or any other state, as provided by law shall be ~~punished as provided~~ guilty of a misdemeanor ~~in section 2303.~~

**Sec. 68.** 29 MRSA § 2241, last ¶, as last amended by PL 1975, c. 611, is amended to read:

The original license issued to a new applicant shall be a provisional license for a period of one year following the date of issue and shall remain in force as a nonprovisional license to the 2nd birthday following the date of issue. If a person is convicted of or adjudicated to have committed a motor vehicle moving violation while in possession of a provisional license, on the first offense the license shall be suspended for 30 days. If he is convicted of or adjudicated to have committed a 2nd ~~offense moving violation~~, his license shall be suspended for 60 days and ~~in the event of~~ if he is convicted of or adjudicated to have committed a 3rd ~~conviction moving violation~~, the license shall be suspended to the date of its expiration or for 90 days, whichever shall be

the longer period of time. ~~Except that~~ In such cases a hearing may be requested of the Secretary of State, and the Secretary of State shall afford said provisional licensee opportunity for hearing as soon as practicable after receipt of such request. Upon such hearing, the Secretary of State, for good cause shown, may continue, modify or rescind the suspension. This paragraph shall not prevail when a person is convicted of or adjudicated to have committed an offense which carries a suspension or revocation period greater than that prescribed in this paragraph.

**Sec. 69.** 29 MRSA § 224I-C, last ¶, as enacted by PL 1975, c. 430, § 53, is amended to read:

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. 70.** 29 MRSA § 227I, sub-§ 3, as enacted by PL 1971, c. 410, is amended to read:

3. **Discourage repetition.** To discourage ~~repetition of criminal actions~~ repeated violations by individuals against the peace and dignity of the State and its political subdivisions and to impose increased and added deprivation of the privilege to operate motor vehicles upon habitual offenders who ~~have been convicted repeatedly of violations of~~ violate traffic laws.

**Sec. 71.** 29 MRSA § 2272, 1st ¶, as enacted by PL 1971, c. 410, is amended to read:

An habitual offender shall be any person, resident or nonresident, whose record, as maintained in the office of the Secretary of State, shows that such person has accumulated the convictions or adjudications for separate and distinct offenses described in subsections 1, 2 and 3, committed within a 5-year period, provided that where more than one included offense shall be committed within a 1-day period such multiple offenses shall be treated for the purposes of this chapter as one offense:

**Sec. 72.** 29 MRSA § 2272, sub-§ 2, as enacted by PL 1971, c. 410, is amended to read:

2. **Ten or more convictions or adjudications.** Ten or more convictions or adjudications of separate and distinct offenses involving moving violations, singularly or in combination, in the operation of a motor vehicle which are required to be reported to the Secretary of State and the commission whereof authorizes the Secretary of State or authorizes a court to suspend or revoke the privilege to operate motor vehicles on the highways of this State for a period of 30 days or more for each offense and such convictions or adjudications shall include those offenses enumerated in subsection 1 when taken with and added to those offenses described.

**Sec. 73.** 29 MRSA § 2272, sub-§ 3, as enacted by PL 1971, c. 410, is amended to read:

3. **Inclusions.** The offenses included in subsections 1 and 2 shall be deemed to include offenses under any federal law, any law of another state

or any valid town, city or county ordinance ~~of another state~~ substantially conforming to the aforesaid state statutory provisions.

**Sec. 74. 29 MRSA § 2273**, as enacted by PL 1971, c. 410 and as amended by PL 1971, c. 622, § 93, is further amended to read:

**§ 2273. Computation of number of convictions and adjudications**

In computing the number of convictions and adjudications all convictions and adjudications must result from offenses occurring subsequent to September 23, 1971.

**Sec. 75. 29 MRSA § 2274**, as enacted by PL 1971, c. 410, is amended to read:

**§ 2274. Transcript**

The Secretary of State shall certify 3 transcripts or abstracts of the conviction or adjudication record as maintained in the office of the Secretary of State of any person whose record brings him within the definition of an habitual offender, as defined in section 2272, to the Attorney General. Such transcript or abstract may be admitted as evidence. Such transcript or abstract shall be prima facie evidence that the person named therein was duly convicted or adjudicated by the court, wherein such conviction or adjudication or holding was made, of each offense shown by such transcript or abstract, and if such person shall deny any of the facts as stated, he shall have the burden of proving that such is untrue.

**Sec. 76. 29 MRSA § 2300, sub-§ 4**, as enacted by PL 1975, c. 430, § 54, is amended to read:

**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~~ **the commencement of any traffic infraction proceeding or the prosecution of a misdemeanor** under this Title.

**Sec. 77. 29 MRSA § 2300, sub-§ 5** is enacted to read:

**5. Refusal to sign.** Any person who refuses to sign such Uniform Traffic Ticket and Complaint after having been ordered to do so by a law enforcement officer shall be guilty of a misdemeanor.

**Sec. 78. 29 MRSA § 2301-A**, as enacted by PL 1969, c. 339, § 2, and as amended by PL 1971, c. 394, § 9, is further amended to read:

**§ 2301-A. Suspension on nonappearance**

If a person fails to appear in court on the day specified in response to a summons or order of court for any violation of any provision of this Title, or in response to a **Uniform Traffic Ticket and Complaint** or for any further appearance ordered by the court, including one for the payment of a fine,

either in person or by counsel, the court shall notify the Secretary of State, who may suspend ~~or revoke~~ his license, if licensed in this State, or suspend ~~or revoke~~ his right to operate motor vehicles in this State, if a nonresident and not licensed in this State.

Sec. 79. 29 MRSA § 2302-A, as enacted by PL 1975, c. 430, § 56, is repealed.

Sec. 80. 29 MRSA § 2302-B, as enacted by PL 1975, c. 430, § 56, is repealed.

Sec. 81. 29 MRSA § 2303, sub-§ 1, as repealed and replaced by PL 1975, c. 430, § 57, is amended to read:

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 \$250 when no other penalty is specifically provided.

Sec. 82. 29 MRSA § 2303-A is enacted to read:

**§ 2303-A. Criminal Code sentencing classifications inapplicable**

Notwithstanding Title 17-A, section 4, subsection 1, the provisions of Title 17-A, section 4, shall not apply to any violations of this Title.

Sec. 83. 29 MRSA § 2371, sub-§ 3, last sentence, as enacted by PL 1975, c. 430, § 61, is amended to read:

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

Sec. 84. 29 MRSA § 2377, 2nd sentence, as enacted by PL 1975, c. 430, § 62, is amended to read:

~~Willful failure~~ Failure by such an owner or purchaser to comply with this requirement shall be a misdemeanor.

Sec. 85. 30 MRSA § 501, 3rd sentence, as amended by PL 1973, c. 567, § 11, is further amended to read:

He or someone acting under his direction shall prosecute to final judgment all traffic infraction cases, and he shall prosecute to final judgment and execution all civil cases in which the State is a party in any county within his prosecutorial district and shall institute proceedings against sureties on any recognizance upon which the principal and sureties have been defaulted, before the term next succeeding that at which such default was entered upon the docket of the court, unless by order in open court the presiding justice shall grant a delay in proceedings against such sureties.

Sec. 86. 30 MRSA § 502, as last amended by PL 1975, c. 623, § 45A, 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~~. Unless he makes an order of dismissal as provided, he or someone



**acting under his direction** shall diligently and without delay prosecute to final judgment and sentence all criminal ~~and traffic infraction~~ cases before the District 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. 87. P & SL 1941, c. 69, § 19**, as amended by P & SL 1957, c. 199, is further amended to read:

**Sec. 19. Violations.** Any violation of published rules and regulations relating to the turnpike, its use or services or any failure or neglect to pay tolls, fares or charges for use of the turnpike or other services made available in connection with said turnpike, shall be deemed a ~~misdemeanor~~ **traffic infraction** and shall be punishable by a fine ~~not exceeding \$20~~ **of not more than \$250**, provided that nothing herein contained shall prevent the authority from collecting payment for use of the turnpike or any other service in connection with said turnpike by action at law or in equity.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect March 1, 1977.

### STATEMENT OF FACT

The purposes of this bill are:

Sections 1 and 2:

Definition of term "civil violation" to be applied throughout the statutes.

Section 3:

Replaces current language or terms with language that is applicable to both infractions and criminal offenses.

Section 4:

Removes the restriction which prohibited the payment of fines to the violations clerk when violation was second or subsequent within a 12-month period.

Section 5:

Restricts issuance of arrest warrants to criminal offenses and expressly provides that magistrates may issue a summons for a criminal offense.

Section 6:

Establishes mechanisms for magistrate to order service of Uniform Traffic Ticket and Complaint when a citizen or a law enforcement officer has made complaint to the magistrate.

## Sections 7, 10, 11, 15 and 16:

Broaden scope of section to include all civil violations instead of just traffic infractions.

## Section 8:

Corrects an inadvertent repeal of the first part of section 173, sub-§ 1, 2nd paragraph and broadens the authority for filing of cases to include civil violations.

## Sections 9 and 13:

Correct language which suggested that law enforcement officers had the arrest power in traffic infraction cases and also extend the scope of the subject definition for all civil violations.

## Sections 10 and 11:

Same as section 7.

## Sections 12, 48 and 58:

Correct language which purports to give law enforcement officers authority to arrest in traffic infraction cases.

## Section 13:

Same as section 9.

## Section 14:

Repeals language which is in conflict with other provisions of law which provide that under certain circumstances law enforcement officers may be compensated for their expenses in criminal cases.

## Section 15:

Same as section 7.

## Section 16:

Same as section 7.

## Section 17:

This section provides for the assessment of costs when a person fails to appear in a civil violation proceeding or fails to pay, without good cause, a fine imposed for commission of a civil violation within 30 days of judgment.

## Section 18:

Restricts the privilege against self-incrimination for criminal offenses.

## Section 19:

Excepting state police from scope of section because other provisions of statutes now provide for reimbursement of state police officers.

## Section 20:

Authorizes compensation for state police officers who serve as witnesses in traffic infractions or other civil violation cases in their off-duty hours.

## Sections 21, 30 and 56:

Remove from a section which applies only to traffic infractions language which is associated with criminal offenses.

## Section 22:

Adds a definition of the term "adjudication."

## Section 23:

Makes clear that the definition of the term "traffic infraction" in Title 29 applies when that term is used in any other Title of the Statutes or in any private law or administrative regulation. It also makes clear that a traffic infraction is a civil violation.

## Sections 24, 41, 43, 51, 65, 66, 67, 70, 71, 72, 74 and 75:

Include language which insures that the provisions of sections apply for traffic infractions as well as criminal offenses.

## Sections 25, 31, 32, 40, 45, 46, 63, 64, 69, 83 and 84:

Remove the requirement that the offense defined in this section must be committed willfully or knowingly because such offense historically has never involved such a requirement.

## Section 26:

Makes failure to carry a certificate of registration an infraction instead of a misdemeanor and provides that the traffic infraction proceedings will be dismissed if the person charged presents a valid certificate to the court or to an officer no later than 24 hours before the scheduled court appearance.

## Section 27:

Makes failure to surrender registration plates to the Secretary of State in cases of suspension, revocation or expiration a traffic infraction rather than a misdemeanor.

## Section 28:

Makes failure to return certificate of registration to the Secretary of State in cases of transfer of ownership an infraction rather than a misdemeanor.

## Section 29:

Makes failure by certain state officials who vacate their office, to surrender their number plates and registration certificates to the Secretary of State an infraction rather than a misdemeanor.

## Section 30:

Same as section 21.

Section 31:

Same as section 25.

Section 32:

Same as section 25.

Sections 33, 34 and 38:

Consolidate into one section the penalty provision for operating without a license or permit or in violation of conditions placed on a license or permit.

Sections 35 and 37:

Require that instruction permits and temporary licenses be carried by the person to whom they have been issued and make it an infraction not to do so and provide that the infraction proceeding will be dismissed if said person presents a valid permit or temporary license to the court or to an officer before the scheduled court appearance.

Sections 36 and 39:

Relocate provisions in Title 29, section 537 relating to operation of motorcycles with a learner's permit to Title 29, section 532.

Section 38:

Same as sections 33 and 34.

Section 40:

Same as section 25.

Section 41:

Same as section 24.

Section 42:

Clarifies language and makes the general penalty provisions of section 2303, subsection 2 applicable.

Section 43:

Same as section 24.

Sections 44, 49 and 50:

Make general penalty provisions of section 2303, subsection 2, applicable.

Section 45:

Same as section 25.

Section 46:

Same as section 25.

Section 47:

Offense defined by section 900 is now defined by section 360 of the Criminal Code (Title 17-A).

## Section 48:

Same as section 12.

## Section 49:

Same as section 44.

## Section 50:

Same as section 44.

## Section 51:

Same as section 24.

## Sections 52 and 54:

Repeal vehicular homicide statutes now covered by the Criminal Code (Title 17-A) and provides for license revocation procedure upon conviction of a violation of any provisions of Title 17-A, sections 201-205, in which the death of a person is caused by a motor vehicle.

## Section 53:

Makes driving to endanger a misdemeanor.

## Section 55:

Insures that violations of Maine Turnpike rules and regulations which result in death will come within the scope of this section.

## Section 56:

Same as section 21.

## Section 57:

Same as section 44 and also provides for revocation of license for violation of section instead of suspension.

## Section 58:

Same as section 12 and repeals language which purports to give officers authority to search motor vehicles without a warrant in cases where no emergency circumstances exist.

## Sections 59, 60, 61 and 62:

Make failure to display an inspection certificate an infraction instead of a misdemeanor and remove from section 2122 language which will now be contained in new section 2122-A.

## Section 63:

Same as section 25.

## Section 64:

Same as section 25.

**Section 65 :**

Same as section 24.

**Section 66 :**

Same as section 24.

**Section 67 :**

Clarifies reference to general penalty provisions and requires the surrender of registration as well as operator's license.

**Section 68 :**

Same as section 24.

**Section 69 :**

Same as section 25.

**Section 70 :**

Same as section 24.

**Section 71 :**

Same as section 24.

**Section 72 :**

Same as section 24.

**Section 73 :**

Makes clear that the municipal or county ordinances to be considered under the habitual offender statute shall be ordinances of municipalities or counties with this State and not those of another state.

**Section 74 :**

Same as section 24.

**Section 75 :**

Same as section 24.

**Section 76 :**

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.

**Section 77 :**

Makes a person's refusal to sign a Uniform Ticket and Complaint a misdemeanor.

**Section 78:**

Provides that the district court shall notify the Secretary of State of a person's failure to appear in response to a Uniform Traffic Ticket and Complaint and in response to any subsequent appearance ordered by the court. This section is intended to assist in the enforcement of the traffic laws and in the collection of fines imposed by the court pursuant to those laws.

**Section 79:**

Repeals the provision making the commission of 3 or more traffic infractions within a 12-month period a crime.

**Section 80:**

Repeals the provision that elevates a traffic infraction to a criminal offense when the infraction results in personal injury or property damage.

**Section 81:**

Makes general traffic infraction penalty in section 2303 applicable to all traffic infractions whether defined in Title 29 or elsewhere.

**Section 82:**

Makes the sentence classification provisions of the Criminal Code (Title 17-A) inapplicable to any violations of Title 29.

**Section 83:**

Same as section 25.

**Section 84:**

Same as section 25.

**Sections 85 and 86:**

Take the reference to traffic infractions out of Title 30, section 502 and relocate it in Title 30, section 501. Also grant to the district attorney, discretion as to whether to prosecute to final execution judgments in traffic infraction cases and provide that in both traffic infraction cases and in Superior Court criminal cases the district attorney or someone acting under his discretion may prosecute the case.

**Section 87:**

Makes violations of the rules of the Maine Turnpike Authority traffic infractions rather than misdemeanors.