

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

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Legislative Document

No. 2327

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H. P. 2257 House of Representatives, March 26, 1976  
Reported by Mr. Spencer from the Committee on Judiciary and printed  
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EDWIN H. PERT, Clerk

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SIX

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**AN ACT to Revise the Laws Relating to the Maine Traffic Court.**

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**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, numerous situations have arisen in the enactment of chapter 430 of the public laws of 1975 which have greatly hindered the ability of the various law enforcement agencies of the State, the Secretary of State and the courts of this State to properly administer and enforce the provisions of Title 29 and other provisions of the Revised Statutes which relate to the operation of motor vehicles of all types on the highways of the State; and

Whereas, because of the aforesaid situation, it is deemed immediately necessary to make various amendments to Title 29 and other related provisions of the Revised Statutes in order to clarify, correct and modify those statutes in a manner that will forthwith permit those laws to be properly and expeditiously administered and enforced; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1.** 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The Chief Judge shall by order, which may from time to time be amended, suspended or repealed, designate the traffic ~~infractions~~ offenses within the authority of the violations clerk.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. 2.** 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. 3.** 4 MRSA § 171, 1st ¶, as repealed and replaced by PL 1975, 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. 4.** 4 MRSA § 171-A is enacted to read:

**§ 171-A. Civil violation complaints**

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

**Sec. 5.** 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. 6.** 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. 7.** 4 MRSA § 173, sub-§ 1, 4th ¶, as last amended by PL 1975, c. 430, § 9, is repealed and the following enacted in place thereof:

The term "law enforcement officer" shall mean any person who by virtue of his public employment is vested by law with a duty to enforce any criminal law of this State by making arrests, whether that duty extends to all crimes or is limited to specific crimes, or with a duty to enforce any law of this State establishing a civil violation.

**Sec. 8. 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~~ 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, providing the maximum fine for the particular offense is not exceeded.

**Sec. 9. 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. 10. 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 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. 11. 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. 12. 4 MRSA § 173, sub-§ 4, 7th ¶**, last sentence, as last amended by PL 1975, c. 430, § 14, is repealed.

**Sec. 12-A. 4 MRSA § 173-A** is enacted to read:

**§ 173-A. Costs taxable for the State in civil violation proceedings**

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

Unless the defendant shows that his failure to pay was neither intentional nor knowing nor due 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. 13.** 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

Receiving a complaint and ordering service of a Uniform Traffic Ticket and Complaint or other process in case of civil violations \$10.00

**Sec. 14.** 4 MRSA § 564, 1st ¶, 3rd sentence, as amended by PL 1975, c. 430, § 19, is further amended to read:

In criminal prosecutions or ~~traffic infraction~~ prosecutions 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. 15.** 15 MRSA § 2552, 2nd ¶, as last amended by PL 1975, c. 623, § 18 and as repealed and replaced by PL 1975, c. 363, is repealed and the following enacted in place thereof:

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, chapters 304 and 308, 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, section 1312 and Title 12, section 1978, subsection 2, or of Title 12, section 2073, subsection 2.

**Sec. 16.** 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 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. 17.** 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. 18. 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. 19. 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 or appeal or withdrawal of the appeal~~ **pending appeal and shall commence when and if the judgment is upheld or the appeal is withdrawn.**

**Sec. 20. 29 MRSA § 1, sub-§ 1; sub-§ 1-A**, as enacted by PL 1965, c. 202, § 1 and as amended by PL 1965, c. 474, § 1; **sub-§ 1-B**, as enacted by PL 1967, c. 245, § 1 and as amended by PL 1973, c. 222, § 1; **sub-§§ 1-C to 1-E**, as enacted by PL 1967, c. 245, § 1; **sub-§ 1-F**, as enacted by PL 1967, c. 245, § 1 and as last repealed and replaced by PL 1975, c. 252, § 4; **sub-§ 1-G**, as enacted by PL 1967, c. 245, § 1, 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. 21. 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. 22. 29 MRSA § 6, is enacted to read:

**§ 6. Printing or reproduction of motor vehicle documents**

Any person who prints or otherwise prepares, or who causes to be printed or otherwise prepared, or who sells or transfers a paper or document in the form of a certificate of registration, operator's license or any other certificate, permit, license or form used by the Secretary of State in administering Title 29 or who reproduces, or who causes to be reproduced, any certificate, permit, license or other form, or any part thereof, or who sells or transfers any reproduced certificate, permit, license or other form, or any part thereof, used by the Secretary of State in administering Title 29, without the written consent of the Secretary of State, shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 11 months, or by both.

**Sec. 23.** 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. 24.** 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. 25.** 29 MRSA § 102, 2nd ¶, first sentence, as last repealed and replaced by PL 1971, c. 544, § 89, is amended to read:

No vehicle shall be operated, or remain upon any way, unless the same is registered and equipped in accordance with this Title, excepting that any officer of the State Police ~~or~~, any sheriff or full-time deputy sheriff or any full-time municipal police officer may, when in his opinion the same is necessary and not detrimental to the public safety, grant a permit in writing for an unregistered motor vehicle to be towed either by a regular service wrecker or by the use of a towbar.

**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 Uniform Traffic Ticket and Complaint. If the person charged shall exhibit to a law enforcement officer designated by the



issuing 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, as enacted by PL 1973, c. 587, § 2, 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 pos-

session 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~~ **the Uniform Traffic Ticket and Complaint**. If the person charged shall exhibit to a law enforcement officer designated by the ~~summonsing~~ **issuing** 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. 39-A.** 29 MRSA § 583, 3rd ¶, as enacted by PL 1973, c. 437, and as amended by PL 1973, c. 738, § 8, is further amended to read:

After September 1, 1975 no motorcycle or motor driven cycle learner's permit or permission or restriction to operate a motorcycle or motor driven cycle shall be issued to any person under 17 years of age, unless such person shall present a certificate of successful completion of a motorcycle driver education course and examination given by some person or persons licensed by the Secretary of State, or unless such person holds a valid **Maine operator's license**.

**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, as enacted by PL 1967, c. 515, 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. 50-A. 29 MRSA § 1252, sub-§ 4 is enacted to read:

4. Criminal offense. Any person who operates a motor vehicle at a speed which exceeds, by 30 miles an hour or more, speeds fixed pursuant to section 1251, or which exceeds, by 30 miles an hour or more, the maximum rates of speed fixed by subsection 2 shall 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, permit or right to operate 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, permit or right to operate 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, permit or right 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, permit or right to operate is revoked, except that in cases of conviction of Title 17-A, section 204 or 205, the Secretary of State may, after one year has elapsed from the date of such revocation, restore such license, permit or right to operate 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, as last amended by PL 1973, c. 329, is repealed.

**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, if 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 issuing the appropriate written process in the case of a criminal or civil violation~~, 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. 60-A.** 29 MRSA § 2122, 3rd ¶, 1st sentence, is amended to read:

The Chief of the State Police or any member of the State Police, or any sheriff or full-time deputy sheriff or any full-time municipal police officer may at any time upon reasonable grounds to believe that a vehicle is unsafe or not equipped as required by law, or that its equipment is not in proper adjustment or repair, require the driver of such vehicle to proceed to an official inspection station and submit such vehicle to an inspection and such tests as may be appropriate.

**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, first sentence, as enacted by PL 1971, c. 292, § 1, is 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 systems of assigning demerit points for convictions or adjudications of violations ~~regulating of statutes or regulations governing~~ the operation of motor vehicles, including violations of Title 17-A, section 360, subsection 1, paragraphs A and B.

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 § 2241-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 § 2271, 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 adjudica-

tions 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 preceding 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. 77-A.** 29 MRSA § 2301, first sentence is amended to read: of sections 900 1312, 2181 and 2185, shall be given an immediate trial if he Whoever is arrested for violation of any provisions of this Title, except those



shall so demand of the officer making the arrest, but if for any reason it is impracticable to do so, the officer making the arrest shall immediately take the prisoner before some bail commissioner, who before admitting him to bail, shall require him to give his name, his place of residence, the number of his license to operate a motor vehicle and the registration number of the motor vehicle operated at the time of his arrest, and shall make a record thereof on the bail bond, and may take his personal recognizance for his appearance in court on a specified day, not less than 2 days thereafter if requested by the person arrested; or such officer in like cases may accept the personal recognizance of such person for his appearance.

**Sec. 78.** 29 **MRSA § 2301-A**, as enacted by PL 1969, c. 339, § 2, and as amended by PL 1971, c. 394, § 9, is repealed and the following enacted in place thereof:

**§ 2301-A. Suspension on nonappearance or nonpayment of fine**

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 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 his license, if licensed in this State, or suspend his right to operate motor vehicles in this State, if a nonresident and not licensed in this State.

If a person who has been ordered to pay a fine for a violation of any provisions of this Title has failed to pay the fine within 30 days of such order, the court shall notify the Secretary of State, who may suspend his license, if licensed in this State, or suspend 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 § 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. 83.** 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. 84. 30 MRSA § 501, 3rd sentence, as amended by PL 1973, c. 567, § 11, is repealed and the following enacted in place thereof:

He, or someone acting under his direction, shall be responsible for the prosecution of all traffic infraction cases, and shall be present at the trial of any such case, 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. 85. 30 MRSA § 502, as last amended by PL 1975, c. 623, § 45-A, is repealed and the following enacted in place thereof:

§ 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. Unless he makes an order of dismissal as provided, he or someone acting under his direction shall be responsible for the prosecution of all criminal cases and shall be present at the trial of any such case 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 counties, shall perform his duties in state cases, under directions from him, in any of the counties, and he shall appear and act for the State with the Attorney General in the law court in all state cases coming into such court from any of the counties. No additional compensation shall accrue to the district attorney by the discharge of such duties.

Sec. 86. P & SL, 1941, c. 69, § 19, as last amended by P & SL 1957, c. 199, is repealed and the following enacted in place thereof:

Sec. 19. Penalty. Any violation of published rules and regulations relating to the turnpike or its use or services shall be deemed a traffic infraction and shall be punishable by a fine of not more than \$250, except that any person who operates a motor vehicle at a speed which exceeds, by 30 miles an hour or more, the speed fixed by the authority shall be guilty of 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 30 days, or by both. Any failure or neglect to pay tolls, fares or charges for use of the turnpike shall be deemed a misdemeanor and shall be punishable by a fine of not more than \$500 or by imprisonment for not more than 30 days, or by both. 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 May 1, 1976.