

MAINE STATE LEGISLATURE

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L.D. 1278

STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-368)
109TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "A" to H.P. 1041, L.D. 1278, Bill, "AN ACT
Pertaining to Motor Vehicles Passing Stopped School Buses."

Amend the bill by striking out everything after the enacting
clause and inserting in its place the following:

'29 MRSA §2019-A is enacted to read:

§2019-A. Registration of offending vehicle; operator unknown

1. Suspension. If the identity of the operator of a
vehicle alleged to be in violation of section 2019, subsection 2,
cannot be determined, the registration of the vehicle shall be
suspended, after a hearing and finding by the District Court, for
a period of not less than 3 months nor more than one year and
the vehicle may not be reregistered during the suspension period.

2. Summons; hearing. If the offending vehicle has been
identified by number plate, model, make or other identifying
feature, the registered owner of that vehicle shall be ordered to
appear before the District Court to show cause why the registration
should not be suspended. During the hearing, if the registration
number of the vehicle found in violation of section 2019, subsection
2, is the same as the registration number of the vehicle owned by
the person ordered to appear, it shall be presumed that his
vehicle was used in violation of section 2019, subsection 2.

3. Finding; order. If the court finds that the vehicle was used in violation of section 2019, subsection 2, and that the vehicle was identified by a preponderance of the evidence, it shall order the registration to be suspended according to subsection 1, and shall notify the Secretary of State who shall implement the order.

4. Unlawful possession. This section shall not apply to any motor vehicle which, at the time of violation, was in the unlawful possession of a person other than the registered owner of the vehicle when the unlawful possession was not the result of the negligence of that owner.'

Statement of Fact

This amendment provides for a hearing in the District Court prior to the suspension contemplated by the bill. It lowers the minimum suspension period to 3 months.