

# MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION  
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE  
4

5 Legislative Document

No. 2235

6  
7 H.P. 1586

House of Representatives, March 18, 1986

8 Approved for introduction by a majority of the Legislative Council  
9 March 18, 1986.

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

EDWIN H. PERT, Clerk

Presented by Representative Theriault of Fort Kent.

Cosponsored by Senator Sewall of Lincoln, Senator Erwin of Oxford and  
Representative Paradis of Augusta.

11  
12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-SIX  
16

17 AN ACT Relating to the Transfer of Authority  
18 from the District Courts to the  
19 Secretary of State to Adjudicate the  
20 Commission of Traffic Infractions.  
21

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

24 PART A

25 Sec. 1. 4 MRSA §164, sub-§12, ¶C, as amended by  
26 PL 1975, c. 408, §18, is further amended to read:

27 C. Any person charged with any traffic infrac-  
28 tion within the authority of the violations clerk  
29 may file an appearance in person or by mail be-  
30 fore the violations clerk, or may file a waiver  
31 of trial before the Secretary of State at the Di-  
32 vision of Motor Vehicles or at any branch of the  
33 division, and enter a plea admitting the infrac-  
34 tion charged and waiver of trial and pay the fine  
35 established for the infraction charged, and

1 costs. Any person so entering a plea admitting  
2 the infraction charged shall be informed of his  
3 rights including his right to stand trial, that  
4 his signature to a plea admitting the infraction  
5 charged will have the same effect as a judgment  
6 of the court and that the record of adjudication  
7 will be sent to the Secretary of State become  
8 part of his permanent motor vehicle record as  
9 maintained by the Secretary of State.

10 Sec. 2. 4 MRSA §164, sub-§12, ¶D, as amended by  
11 PL 1977, c. 696, §22, is repealed.

12 Sec. 3. 29 MRSA §2300, sub-§1, as enacted by PL  
13 1975, c. 430, §54, is amended to read:

14 1. Form. Every law enforcement agency in this  
15 State shall use traffic citations in the form known  
16 as the Uniform Traffic Ticket and Complaint, which  
17 shall be uniform throughout the State and which shall  
18 be issued in books with citations in no less than  
19 quadruplicate and meeting the requirements of this  
20 chapter. Law enforcement officers shall indicate the  
21 scheduled penalty amount on every traffic infraction  
22 citation before delivering that traffic infraction  
23 citation to a person. The penalty amount will be de-  
24 termined by reference to the order of District Court  
25 establishing penalty schedules for traffic infrac-  
26 tions pursuant to Title 4, section 164.

27 Sec. 4. 29 MRSA §2300, sub-§2, ¶A, as enacted by  
28 PL 1975, c. 430, §54, is amended to read:

29 A. The District Court shall be responsible for  
30 all Uniform Traffic Tickets and Complaints issued  
31 to law enforcement agencies or others and shall  
32 seek the advice of the Secretary of State as to  
33 the form of the Uniform Traffic Ticket and  
34 Complaint.

35 Sec. 5. 29 MRSA §2300, sub-§4, as amended by PL  
36 1975, c. 731, §75, is repealed and the following en-  
37 acted in its place:

38 4. When a lawful complaint. A traffic citation  
39 is deemed to be a complaint subject to the provisions  
40 of paragraphs A and B.

1           A. In the event that the traffic citation provided under this Section includes information and  
2 is sworn to as required under the general laws of  
3 this State in respect to a complaint charging  
4 commission of the offense alleged in the citation  
5 to have been committed, then that citation, when  
6 filed with the court having jurisdiction, shall  
7 be deemed a lawful complaint for the purpose of  
8 the commencement of the prosecution of a misde-  
9 meanor under this Title.  
10

11           B. In the event that the traffic citation provided under this section includes information and  
12 is signed by a law enforcement officer in respect  
13 to a complaint charging commission of the offense  
14 alleged in the citation to have been committed,  
15 then that citation, when filed with a court hav-  
16 ing jurisdiction, shall be deemed a lawful com-  
17 plaint for the purpose of the commencement of any  
18 traffic infraction proceeding under this Title.  
19

20           Sec. 6. 29 MRSA §2302, as amended by PL 1981, c.  
21 679, §59, is further amended to read:

22           §2302. Jurisdiction

23           The District Court shall have original and exclu-  
24 sive jurisdiction over all prosecutions for traffic  
25 infractions, except that the Secretary of State may  
26 accept waivers of appearance, pleas of admission and  
27 payments of penalty and costs for all traffic  
28 infractions. The District Court shall have original  
29 and concurrent jurisdiction with the Superior Court  
30 over all prosecutions for any other violations of  
31 this Title, except Class C or greater crimes, in  
32 which case, District Court jurisdiction shall be sub-  
33 ject to Title 4, section 152. All fines and forfei-  
34 tures collected by the District Court, the Superior  
35 Court or the Secretary of State under this Title  
36 shall accrue to the General Fund, except for overload  
37 violations, only \$5 or 13%, whichever is the greater,  
38 of each such overload fine or forfeiture collected  
39 through the District Court or through the Secretary  
40 of State, shall accrue to the General Fund and the  
41 balance thereof shall accrue to the ~~General~~ Highway  
42 Fund.

1           Sec. 7. 29 MRSA §2302-C is enacted to read:

2       §2302-C. Waivers of trial; pleas of admission; pay-  
3           ment of penalty

4           The Secretary of State may accept waivers of tri-  
5           al, pleas of admission and payments of penalty in all  
6           traffic infraction cases, as defined in section 1,  
7           subsection 17-C. The order of the court pursuant to  
8           Title 4, section 164, establishing penalty schedules  
9           for traffic infractions shall be distributed to law  
10           enforcement agencies and to the Secretary of State  
11           and shall be prominently posted at the Division of  
12           Motor Vehicle's central office and at each branch of-  
13           fice.

14           Any person charged with a traffic infraction may  
15           appear in person or by mail before the Secretary of  
16           State and enter a plea admitting the infraction  
17           charged, waive trial and pay the penalty established  
18           for the infraction charged. Any person so entering a  
19           plea admitting the infraction charged shall be in-  
20           formed of his rights, including his right to appear  
21           before the District Court and stand trial, that his  
22           signature to a plea admitting the infraction charged  
23           will have the same effect as a judgment of the court  
24           and that the record of the adjudication will become  
25           part of the person's permanent motor vehicle record  
26           as maintained by the Secretary of State.

27           Upon receipt of a person's written waiver, plea  
28           of admission and payment of penalty in full, the Sec-  
29           retary of State shall transmit that information to  
30           the appropriate District Court for docketing.

31           1. Payment of fines for traffic infractions.  
32           All payment of fines for traffic infractions col-  
33           lected by the Secretary of State shall be transmitted  
34           forthwith to the Treasurer of State and shall be  
35           credited to the General Fund.

36           2. Administrative fee. The Secretary of State  
37           shall collect and retain a fee of \$2 which shall be  
38           in addition to each traffic fine collected. All fees  
39           collected shall be transmitted to the Treasurer of  
40           State and shall be credited to the Highway Fund.

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PART B

29 MRSA §2302-D is enacted to read:

§2302-D. Administrative adjudication of traffic in-  
fractions

Notwithstanding any inconsistent laws, all viola-  
tions of traffic infractions, as defined by section  
1, subsection 17-C, shall be heard and determined ad-  
ministratively by the Department of Secretary of  
State. The Department of Secretary of State, with  
the advice of the Administrative Office of the  
Courts, shall develop legislation detailing the im-  
plementation of the transfer of authority of the Dis-  
trict Court to adjudicate the commission of traffic  
infractions to the Department of Secretary of State  
along with a cost analysis in order to implement this  
legislation by July 1, 1988, and adopt such rules  
necessary to carry out the purpose of this section in  
accordance with the Administrative Procedure Act as  
provided in Title 5, chapter 375.

STATEMENT OF FACT

PART A

A committee to study the processing of traffic fines was authorized by the First Regular Session of the 112th Legislature. The committee was charged with reviewing the problem, evaluating the current system for processing traffic infractions, reducing the system to its most simple elements and developing a concept together with the necessary statutory proposals. The committee adopted a practical method for simplifying the processing of traffic infractions for a defendant who wishes to admit to the infraction, waive trial and pay the fine by authorizing the Division of Motor Vehicles to process traffic infraction waivers.

Part A of this bill authorizes the Secretary of State to accept waivers and collect fines in traffic infraction cases where the defendant wishes to admit to the infraction, waive trial and pay the fine. At present, that authority is restricted to the District

1 Court pursuant to the Maine Revised Statutes, Title  
2 4, section 164. Part A of this bill establishes a  
3 simplified waiver system for traffic infractions by  
4 allowing payment of traffic fines directly to the  
5 Secretary of State. This proposal will streamline  
6 the collection of traffic fines and will reduce ad-  
7 ministrative costs now incurred by the State in pro-  
8 cessing of waivers and collecting fines. Full imple-  
9 mentation of Part A will require an amendment to Rule  
10 80F(c) and (d) (1) of the District Court Civil Rules,  
11 to require that the Uniform Traffic Ticket and Com-  
12 plaint contain the scheduled fine amount and to allow  
13 defendants to dispose of traffic infractions through  
14 the Secretary of State.

15 Section 1 amends the Maine Revised Statutes, Ti-  
16 tle 4, section 164, subsection 12, paragraph C, to  
17 extend to the Secretary of State the authority to  
18 process waivers of traffic infractions and to accept  
19 payment of fines.

20 Section 2 repeals the Maine Revised Statutes, Ti-  
21 tle 4, section 164, subsection 12, paragraph D, thus  
22 eliminating the bar to waivers for 2nd and subsequent  
23 traffic offenses within a 12-month period.

24 Sections 3, 4 and 5 amend the Maine Revised Stat-  
25 utes, Title 29, section 2300, in 3 respects. First,  
26 law enforcement officers are required to indicate the  
27 fine amount on the traffic ticket before issuing it.  
28 Second, the District Court is required to seek advice  
29 from the Secretary of State as to the form of the  
30 Uniform Traffic Ticket and Complaint. Third, traffic  
31 infraction complaints are no longer required to be  
32 sworn.

33 Section 6 amends the Maine Revised Statutes, Ti-  
34 tle 29, section 2302 to authorize the Secretary of  
35 State to process waivers of traffic infractions and  
36 to collect fines and forfeitures.

37 Section 7 enacts the Maine Revised Statutes, Ti-  
38 tle 29, section 2302-C which grants specific authori-  
39 ty to the Secretary of State to accept waivers of  
40 trial, pleas of admission and payment of penalty in  
41 all traffic infraction cases. In addition to the  
42 collection of traffic fines which will be credited to

1 the General Fund, the Secretary of State may collect  
2 an administrative fee of \$2 which will be credited to  
3 the Highway Fund to defray the cost of this program.

4 PART B

5 The purpose of Part B is to authorize the transfer  
6 of the adjudication of traffic infraction cases  
7 from the District Court to the Department of Secretary  
8 of State where traffic infractions would be adjudicated  
9 administratively. Administrative adjudication  
10 removes the trial of such cases from overcrowded  
11 court dockets by transferring responsibility for the  
12 factual determination of whether or not a motorist  
13 committed a given offense to the Division of Motor  
14 Vehicles where trained hearing examiners make the  
15 judgment and then invoke appropriate penalty and administrative  
16 licensing sanctions.

17 In addition, Part B authorizes that legislation  
18 be prepared by the Secretary of State, with the advice  
19 of the Administrative Office of the Courts, detailing  
20 implementation of the transfer of authority to  
21 adjudicate traffic infractions by the Department  
22 of Secretary of State along with a cost analysis in  
23 order to implement this bill by July 1, 1988.

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