

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1315

H.P. 947

House of Representatives, April 24, 1989

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative STEVENS of Bangor.

Cosponsored by Representative CONLEY of Portland, Representative FARNSWORTH of Hallowell and Senator HOBBS of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

An Act to Change Certain Criminal Violations to Civil Violations.



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

3 **Sec. 1. 29 MRSA §102, first ¶,** as amended by PL 1981, c. 346,
5 §2, is further amended to read:

7 Except as section 2243 provides for reciprocity with other
9 states, any resident person, firm or corporation, or owner as
11 defined in section 1, who fails to register any vehicle to be
13 operated, caused to be operated or remain on any way in this
15 State ~~shall be guilty of a misdemeanor~~ commits a traffic
17 infraction. The owner or operator of a vehicle operated with an
19 expired registration during the 30 days immediately after the
21 expiration of the registration shall be issued a warning, rather
23 than a summons, in a form to be designated by the Chief of the
State Police. This warning shall state that the owner or operator
shall, within 2 business days, cause the vehicle to be registered
in accordance with this chapter. The warning shall further state
that, because the owner or operator was found operating an
unregistered vehicle during the 30 days immediately after the
expiration of the registration, the renewed registration shall
expire on the same month as the previous registration and the
registration fee shall be that of a full year registration.

25 **Sec. 2. 29 MRSA §948, 4th ¶** is repealed.

27 **Sec. 3. 29 MRSA §948, 5th ¶,** as amended by PL 1971, c. 593,
§22, is further amended to read:

29 Any person who violates this section ~~and any person who~~
31 ~~removes, destroys, damages or defaces any sign or signal erected~~
33 ~~by or under the direction of the Department of Transportation~~
35 ~~shall be deemed guilty of a misdemeanor, and upon conviction~~
~~thereof shall be punished by a fine of not more than \$50 or by~~
~~imprisonment for not more than 60 days, or by both~~ commits a
traffic infraction.

37 **Sec. 4. 29 MRSA §2183, 2nd ¶,** as repealed and replaced by PL
39 1987, c. 789, §20, is amended to read:

41 Whoever violates this section ~~is guilty of a Class E crime~~
commits a traffic infraction.

43 **Sec. 5. 29 MRSA §2184, sub-§1,** as amended by PL 1987, c. 791,
45 §25, is further amended to read:

47 1. **Offense; penalty.** No person may operate a motor vehicle
49 on any public way in this State at a time when ~~his~~ that person's
license or permit to operate, ~~his~~ that person's right to operate
or ~~his~~ that person's right to apply for or obtain a license or
51 permit has been suspended or revoked, except for a revocation as
an habitual offender under chapter 18-A or former chapter 18,
when that person:

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A. Has received written notice of a suspension or revocation pursuant to section 1312-D, subsection 1, or section 2241-H or other written notice from the Secretary of State;

B. Has been orally informed of the suspension or revocation by a law enforcement officer who is aware of the information as a result of records maintained by the Secretary of State, including those obtainable by telecommunications;

C. Has actual knowledge of his that person's suspension or revocation;

D. Is a person to whom written notice was sent by ordinary mail at the last known address shown by the records maintained by the Secretary of State; or

E. Has failed to appear in court pursuant to any notice or order specified in section 2301-A.

Violation of this section is a Class D crime, provided that, notwithstanding Title 17-A, section 1301, the maximum fine shall be \$2,500. If the Secretary of State's notification of suspension or revocation document shows that, at the time of the violation, the sole reason for the suspension or revocation of the operator's license or permit to operate, right to operate, or right to apply for or obtain a license or permit was the operator's failure to pay a reinstatement fee pursuant to section 2241-D, then the violation is a traffic infraction.

Sec. 6. 29 MRSA §2292, sub-§4, ¶C, as enacted by PL 1983, c. 455, §30, is amended to read:

C. A person is convicted of the offense of operating a motor vehicle when his that person's license, permit or privilege to operate has been suspended when and the suspension is based upon his that person's failure to appear in court or, failure to pay his a fine or failure to pay a reinstatement fee.

Sec. 7. 29 MRSA §2508, sub-§2, as enacted by PL 1979, c. 464, §5, is amended to read:

2. **Operation of vehicle without inspection sticker.** It is unlawful a traffic infraction for any owner or operator, or both, of any vehicle required to be inspected under section 2502 to operate or permit to be operated that vehicle without having displayed thereon a current and valid certificate of inspection or fail to produce the sticker on demand of any police officer.

STATEMENT OF FACT

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This bill changes certain motor vehicle violations to traffic infractions.

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