

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

CT
H. O. S.

L.D. 1720

(Filing No. S- 307)

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48

STATE OF MAINE
SENATE
115TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A " to S.P. 653, L.D. 1720, Bill, "An Act to Create a Single Uniform Summons and Complaint That May Be Used by All Law Enforcement Agencies in the State"

Amend the bill by striking the title and substituting the following:

'An Act to Create a Single Uniform Summons and Complaint That Must Be Used by All Law Enforcement Agencies in the State'

Further amend the bill in section 1 in that part designated "§6208." by striking out all of subsection 1 (page 1, lines 32 to 43 in L.D.) and inserting in its place the following:

~~'1. Form. The commissioner may establish citation forms for use by the Bureau of Marine Patrol. These forms, if established, shall be uniform throughout the State and shall be issued in books with citations in not less than quadruplicate. When the form requires a signature by a person upon whom the citation is served, the form shall include a statement that signing the citation does not constitute an admission of guilt and that failure to sign constitutes a separate offense which is a Class E crime. The form shall be approved by the Chief Judge of the District Court prior to its use. The commissioner shall designate the Uniform Summons and Complaint as the citation form to be used by the Bureau of Marine Patrol, except that the commissioner may permit the use of any citation forms approved by the Chief Judge of the District Court before May 1, 1991 that are in current stock as of May 1, 1991 until those stocks are depleted.'~~

Further amend the bill in section 1 in that part designated "§6208." in subsection 2 by striking out all of paragraph A (page 1, lines 49 to 52 and page 2, lines 1 to 6 in L.D.) and inserting in its place the following:

R. of S.

COMMITTEE AMENDMENT "A" to S.P. 653, L.D. 1720

2 'A. The commissioner shall-be is responsible for all marine
resources' citation forms approved by the Chief Judge of the
4 District Court prior to May 1, 1991. The Department of
Public Safety is responsible for all Uniform Summons and
6 Complaint forms issued by the Bureau of Marine Patrol. The
commissioner or the commissioner's designee is responsible
8 for the further issuance of Uniform Summons and Complaint
books to individual law enforcement officers and the proper
disposition of those books.'

10 Further amend the bill in section 1 in that part designated
12 "**§6208.**" in subsection 2 by striking all of paragraph B (page 2,
lines 8 to 14 in L.D.) and inserting in its place the following:

14 ~~B. The commissioner may in his discretion provide books to~~
16 ~~other law enforcement agencies and officers listed in~~
section 6025, subsection 5 for their use in the enforcement
18 ~~of chapters 601 to 627. The commissioner may not require~~
~~other agencies to use this form.~~

20 Further amend the bill in section 2 in that part designated
22 "**§7911.**" by striking out all of subsection 1 (page 3, lines 6 to
24 17 in L.D.) and inserting in its place the following:

26 '1. Form. ~~The commissioner may establish citation forms~~
for use by the warden service. ~~These forms, if established,~~
28 ~~shall be uniform throughout the State and shall be issued in~~
books with citations in not less than quadruplicate. ~~When the~~
30 ~~form requires a signature by a person upon whom the citation is~~
served, ~~the form shall include a statement that signing the~~
32 ~~citation does not constitute an admission of guilt and that~~
failure to sign will constitute a separate offense which is a
34 ~~Class E crime. The form shall be approved by the Chief Judge of~~
the District Court prior to its use. The commissioner shall
36 designate the Uniform Summons and Complaint as the citation form
to be used by the warden service, except that the commissioner
38 may permit the use of any citation forms approved by the Chief
Judge of the District Court before May 1, 1991 that are in
current stock as of May 1, 1991 until those stocks are depleted.'

40 Further amend the bill in section 2 in that part designated
42 "**§7911.**" in by striking out all of subsection 2 (page 3, lines 19
44 to 36 in L.D.) and inserting in its place the following:

46 '2. **Responsibility for issuance and disposition.**
Responsibility for issuance and disposition is as follows.

48 A. The commissioner shall-be is responsible for all fish
and wildlife citation forms approved by the Chief Judge of
50 the District Court prior to May 1, 1991. The Department of
Public Safety is responsible for all Uniform Summons and
52 Complaints issued to the warden service. The commissioner

P. of S.

COMMITTEE AMENDMENT "A" to S.P. 653, L.D. 1720

2 or the commissioner's designee is responsible for the
3 further issuance of Uniform Summons and Complaint books to
4 individual wardens and for the proper disposition of those
5 books.

6 ~~B.--The commissioner may in his discretion provide books to~~
7 ~~other law enforcement agencies and officers listed in~~
8 ~~section 7055 for their use in the enforcement of chapters~~
9 ~~701 to 721. The commissioner may not require other agencies~~
10 ~~to use this form.'~~

12 Further amend the bill in section 3 in that part designated
13 "§8907." by striking out all of subsections 1 and 2 (page 4,
14 lines 28 to 52 and page 2, lines 1 and 2 in L.D.) and inserting
15 in their place the following:

16
17 '1. Form. The Director of the Bureau of Forestry,
18 referred to in this section as the "director," shall designate
19 the Uniform Summons and Complaint as the citation form to be used
20 by the Maine Forest Service, except that the director may permit
21 the use of any citation forms approved by the Chief Judge of the
22 District Court before May 1, 1991 that are in current stock as of
23 May 1, 1991 until those stocks are depleted.

24
25 2. Citation books. The director is responsible for any
26 forms approved by the Chief Judge of the District Court prior to
27 May 1, 1991. The director may provide citation books to other
28 law enforcement agencies and officers for their use in the
29 enforcement of chapters 807 and 809. The director may not
30 require other agencies to use this form. The Department of
31 Public Safety is responsible for all Uniform Summons and
32 Complaints issued to the Maine Forest Service. The director or
33 the director's designee is responsible for the further issuance
34 of Uniform Summons and Complaint books to individual law
35 enforcement officers and for the proper disposition of those
36 books.'

37
38 Further amend the bill in section 4 in that part designated
39 "§15-A." in subsection 1 in the 9th line (page 5, line 46 in
40 L.D.) by inserting after the following: "court." the following:
41 'The form used must be the Uniform Summons and Complaint, except
42 that, if the agency by whom the officer is employed has on
43 May 1, 1991 current stocks of forms that the agency is authorized
44 to use, the agency may permit officers to use those forms until
45 those stocks are depleted.'

46
47 Further amend the bill in section 5 in that part designated
48 "§17." in subsection 1 in the 9th line (page 7, line 18 in L.D.)
49 by inserting after the following: "court." the following: 'The
50 form used must be the Uniform Summons and Complaint, except that,
51 if the agency by whom the officer is employed has on May 1, 1991
52 current stocks of forms that the agency is authorized to use, the

2 agency may permit officers to use those forms until those stocks
3 are depleted.'

4 Further amend the bill in section 5 in that part designated
5 "§17." in subsection 1 in the 13th line (page 7, line 22 in L.D.)
6 by inserting after the following: "crime." the following: 'The
7 law enforcement officer may not order a person to sign the
8 summons for a civil violation unless the civil violation is an
9 offense defined in Title 12 or Title 29.'

10
11 Further amend the bill by striking out all of section 6 and
12 inserting in its place the following:

13 'Sec. 6. 29 MRSA §2300, as amended by PL 1991, c. 56, is
14 further amended to read:

15 **§2300. Uniform Summons and Complaint**

16
17 1. **Form.** Every Except as provided in subsection 1-A, every
18 law enforcement agency in this State shall use traffic citations
19 summonses in the form known as the Uniform Traffic Ticket Summons
20 and Complaint, which shall must be uniform throughout the State
21 and which shall must be issued in books with citations summonses
22 in no less than quadruplicate and meeting the requirements of
23 this chapter. The Uniform Summons and Complaint must include, at
24 a minimum, the signature of the officer, a brief description of
25 the alleged offense, the time and place of the alleged offense
26 and the time, place and date the person is to appear in court.
27 The Uniform Summons and Complaint must also include a statement
28 that signing the summons does not constitute an admission or plea
29 of guilty and that refusal to sign after having been ordered to
30 do so by a law enforcement officer is a separate Class E crime.
31 A person to whom a Uniform Summons and Complaint is issued or
32 delivered must give a written promise to appear. The form of the
33 Uniform Summons and Complaint must be approved by the Chief Judge
34 of the District Court prior to its use.

35
36 **1-A. Exception for certain forms.** Law enforcement agencies
37 may use current stocks of Uniform Traffic Ticket and Complaint
38 forms until those stocks are depleted.

39
40 **2. Responsibility for issuance and disposition.**

41
42 A. The District Court shall--be is responsible for all
43 Uniform Traffic Tickets and Complaints issued to law
44 enforcement agencies or others. The Department of Public
45 Safety is responsible for all Uniform Summons and Complaints
46 issued to law enforcement agencies for others.

47
48 B. The chief executive officer of every such law
49 enforcement agency or his that chief executive officer's
50 designate shall--be is responsible for the further issuance
51

of such books to individual law enforcement officers and for their the proper disposition of those books.

3. **Illegal disposition.** It shall--be is unlawful and official misconduct for any law enforcement officer or other officer or public employee to dispose of a Uniform Traffic Ticket and Complaint or a Uniform Summons and Complaint or any portion thereof of either or of the record of the issuance thereof of a Uniform Traffic Ticket and Complaint or a Uniform Summons and Complaint in a manner other than as required under rules or regulations--promulgated adopted pursuant to this section. Any person who solicits or aids in the disposition, or attempted disposition, of a Uniform Traffic Ticket and Complaint or a Uniform Summons and Complaint or any portion thereof of either in any unauthorized manner shall--be--guilty--of commits a misdemeanor Class E crime.

3-A. **Uniform Summons and Complaint as summons.** A Uniform Traffic--Ticket Summons and Complaint or a Uniform Traffic Ticket and Complaint, as authorized under subsection 1-A, when served upon issued or delivered to a person by a law enforcement officer, shall--act acts as a summons to appear in court, on the date specified in the ticket,--~~for a violation of any provision of this--Title~~ summons or ticket or to otherwise respond in accordance with law on or before the date specified in the summons or ticket. Any person who fails to appear in court as directed by the summons or ticket or to otherwise respond in accordance with law on or before the date specified in the summons or ticket commits a Class E crime. Upon the person's failure to appear or respond, the court may issue a warrant of arrest. It is an affirmative defense to prosecution under this subsection that the failure to appear or respond resulted from just cause.

4. **When a lawful complaint.** ~~In--the--event--that~~ If the traffic citation summons or ticket provided under this section ~~includes--information--and~~ is duly sworn to as required under--the ~~general--laws--of--this--State~~ by law and otherwise legally sufficient in respect to the form of a complaint and charging commission of the offense alleged in said--citation the summons or ticket to have been committed, then such--citation the summons or ticket when filed with a court having jurisdiction shall--be deemed constitutes a lawful complaint for the purpose of the commencement of any traffic infraction proceeding or the prosecution of a misdemeanor, Class D or Class E crime under this Title.

4-A. **Responsibility of law enforcement officer to file Uniform Traffic Ticket and Complaint or Uniform Summons and Complaint with District Court.** Every law enforcement officer issuing a Uniform Traffic Ticket and Complaint or Uniform Summons and Complaint that charges the commission of an offense shall

2 file the original of the Uniform Traffic Ticket and Complaint or
3 Uniform Summons and Complaint with the District Court having
4 jurisdiction over the offense or in such other location as
5 instructed by the Chief Judge of the District Court without undue
6 delay and, in any event, within 5 days after the issuance of the
7 Uniform Traffic Ticket and Complaint or Uniform Summons and
8 Complaint.

9
10 5. Refusal to sign. Any person who refuses to sign such a
11 Uniform Traffic-Ticket Summons and Complaint or a Uniform Traffic
12 Ticket and Complaint, as provided under subsection 1-A, after
13 having been ordered to do so by a law enforcement officer shall
14 be--guilty--of commits a misdemeanor Class E crime. A law
15 enforcement officer may not order a person to sign the summons
16 for a civil violation unless the civil violation is an offense
17 defined in Title 12 or Title 29.'

18 Further amend the bill in section 7 in the first paragraph
19 in the 2nd line (page 10, line 10 in L.D.) by inserting after the
20 following: "Complaint," the following: 'a Uniform Traffic
21 Ticket and Complaint as provided under section 2300, subsection
22 1-A.'

23 Further amend the bill by inserting before the statement of
24 fact the following:
25

26
27
28 **FISCAL NOTE**

29 This bill establishes a Uniform Summons and Complaint form
30 and places responsibility for this form with the Department of
31 Public Safety. Costs associated with the implementation of the
32 form will be absorbed by the impacted agencies utilizing existing
33 budgeted resources.'
34

35
36 **STATEMENT OF FACT**

37 This amendment requires all law enforcement officers to use
38 the Uniform Summons and Complaint form. This amendment allows
39 law enforcement agencies to deplete current supplies of forms
40 currently used by the agency before being required to use the
41 Uniform Summons and Complaint. This amendment also makes the
42 Department of Public Safety rather than the District Court
43 responsible for all Uniform Summons and Complaint forms.
44

45 For most offenses, refusal to sign the summons, ticket or
46 citation is a Class E crime. The original bill made refusal to
47 sign a Class E crime for all offenses. This amendment deletes
48 that change and retains current law.
49

50 The amendment also adds a fiscal note.
51