

# 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)



# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

---

Legislative Document

No. 1720

S.P. 653

In Senate, April 29, 1991

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator GAUVREAU of Androscoggin  
Cosponsored by Representative CARROLL of Gray, Representative O'DEA of Orono and  
Representative PARADIS of Frenchville.

---

STATE OF MAINE

---

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

---

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

---

(EMERGENCY)



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

4  
Whereas, the District Court is running out of its present  
6 supply of Uniform Traffic Ticket and Complaint forms and is  
ordering the printing of a new supply, which, in contemplation of  
8 this Act, is cocaptioned Uniform Summons and Complaint so that  
law enforcement officers will be using the new summons forms as a  
10 traffic ticket well before the effective date of this Act if  
enacted as nonemergency legislation; and

12  
Whereas, substantial confusion for both the District Courts  
14 and law enforcement officers will be avoided if law enforcement  
officers use the new Uniform Summons and Complaint for all  
16 offenses and not just as a traffic ticket when the existing  
supply runs out; and

18  
Whereas, in the judgment of the Legislature, these facts  
20 create an emergency within the meaning of the Constitution of  
Maine and require the following legislation as immediately  
22 necessary for the preservation of the public peace, health and  
safety; now, therefore,

24  
**Be it enacted by the People of the State of Maine as follows:**

26  
**Sec. 1. 12 MRSA §6208, as amended by PL 1987, c. 513, §3, is**  
28 further amended to read:

30 **§6208. Marine resources' citation form**

32 1. **Form.** The commissioner may establish citation forms for  
use by the Bureau of Marine Patrol. These forms, if established,  
34 shall must be uniform throughout the State and shall must be  
issued in books with citations in not less than quadruplicate.  
36 When the form requires a signature by a person upon whom the  
citation is served, the form shall must include a statement that  
38 signing the citation does not constitute an admission of guilt  
and that failure to sign constitutes a separate offense which  
40 that is a Class E crime. The form shall must be approved by the  
Chief Judge of the District Court prior to its use. The  
42 commissioner may designate the Uniform Summons and Complaint as  
the citation form to be used by the bureau.

44  
2. **Responsibility for issuance and disposition.**  
46 Responsibility for issuance and disposition shall--be is as  
follows.

48  
A. The commissioner shall--be is responsible for all marine  
50 resources' citation forms, except that if the commissioner  
designates the Uniform Summons and Complaint as the citation  
52 form to be used by the Bureau of Marine Patrol, the District

2 Court is responsible for all Uniform Summons and Complaint  
4 forms issued to that bureau. The commissioner or the  
6 commissioner's designee is responsible for the further  
8 issuance of Uniform Summons and Complaint books to  
10 individual law enforcement officers and the proper  
12 disposition of those books.

14 B. The When the commissioner has established a citation  
16 form for use by the Bureau of Marine Patrol, the  
18 commissioner may in his the commissioner's discretion  
20 provide books to other law enforcement agencies and officers  
22 listed in section 6025, subsection 5 for their use in the  
24 enforcement of chapters 601 to 627. The commissioner may  
26 not require other agencies to use this form.

28 3. **Illegal disposition; prohibited act.** It is unlawful and  
30 official misconduct for any marine patrol officer or other public  
32 employee to dispose of an official citation form or Uniform  
34 Summons and Complaint, except in accordance with law and as  
36 provided for in any applicable official policy or procedure of  
38 the Bureau of Marine Patrol.

40 4. **When a lawful complaint.** If the citation provided for  
42 in this section or a Uniform Summons and Complaint is duly sworn  
44 to as required by law and otherwise ~~satisfies the requirements of~~  
46 ~~the general laws of this State,~~ legally sufficient in respect to  
48 the form of a complaint and charges charging an offense, it may  
50 be filed in a court having jurisdiction and ~~shall constitute~~  
constitutes a lawful complaint for the purpose of the  
commencement of any criminal prosecution or civil violation  
proceeding.

52 5. **When a lawful summons.** A citation, as provided for in  
54 this section or a Uniform Summons and Complaint, when served upon  
56 a person by a law enforcement officer, ~~shall act~~ acts as a  
58 summons to appear in court or, ~~if a civil violation is charged,~~  
60 to otherwise respond in accordance with law on or before the date  
62 specified in ~~this citation~~ the summons. Any person who fails to  
64 appear in court as directed by the summons or to otherwise  
66 respond in accordance with law on or before the date specified in  
68 the summons commits a Class E crime. Upon that person's failure  
70 to appear or to respond in accordance with law, the court may  
issue a warrant of arrest. It is an affirmative defense to  
prosecution under this subsection that the failure to appear or  
to respond resulted from just cause.

72 6. **Refusal to sign; prohibited act.** No Any person may  
74 refuse who refuses to sign a citation or Uniform Summons and  
76 Complaint after having been ordered to do so by a law enforcement  
78 officer commits a Class E crime.

2           Sec. 2. 12 MRSA §7911, as enacted by PL 1983, c. 765, is  
amended to read:

4           **§7911. Fish and wildlife citation form**

6           1. **Form.** The commissioner may establish citation forms for  
use by the warden service. These forms, if established, shall  
8           must be uniform throughout the State and shall must be issued in  
books with citations in not less than quadruplicate. When the  
10           form requires a signature by a person upon whom the citation is  
served, the form shall must include a statement that signing the  
12           citation does not constitute an admission of guilt and that  
failure to sign ~~will constitute~~ constitutes a separate offense  
14           which that is a Class E crime. The form shall must be approved  
by the Chief Judge of the District Court prior to its use. The  
16           commissioner may designate the Uniform Summons and Complaint as  
the citation form to be used by the warden service.

18           2. **Responsibility for issuance and disposition.**

20           A. The commissioner shall-be is responsible for all fish  
and wildlife citation forms, except that if the commissioner  
22           designates the Uniform Summons and Complaint as the citation  
form to be used by the warden service, the District Court is  
24           responsible for all Uniform Summons and Complaints issued to  
the warden service. The commissioner or the commissioner's  
26           designee is responsible for the further issuance of Uniform  
Summons and Complaint books to individual wardens and for  
28           the proper disposition of those books.

30           B. When the commissioner has established a citation  
32           form for use by the warden service, the commissioner may in  
his the commissioner's discretion provide books to other law  
34           enforcement agencies and officers listed in section 7055 for  
their use in the enforcement of chapters 701 to 721. The  
36           commissioner may not require other agencies to use this form.

38           3. **Illegal disposition; prohibited act.** It is unlawful and  
official misconduct for any warden or other public employee to  
40           dispose of an official citation form or Uniform Summons and  
Complaint, except in accordance with law and as provided for in  
42           any applicable official policy or procedure of the Warden Service  
Division.

44           4. **When a lawful complaint.** If the citation provided for  
46           in this section or a Uniform Summons and Complaint is duly sworn  
to as required by law and otherwise satisfies the requirements of  
48           the general laws of this State, legally sufficient in respect to  
the form of a complaint and charges charging an offense, it may  
50           be filed in a court having jurisdiction and shall-~~constitute~~  
constitutes a lawful complaint for the purpose of the

2 commencement of any criminal prosecution or civil violation  
3 proceeding.

4 5. When a lawful summons. A citation, as provided for in  
5 this section or a Uniform Summons and Complaint, when served upon  
6 a person by a law enforcement officer, shall ~~act~~ acts as a  
7 summons to appear in court or, ~~if a civil violation is charged,~~  
8 to otherwise respond in accordance with law on or before the date  
9 specified in the citation summons. Any person who fails to  
10 appear in court as directed by the summons or to otherwise  
11 respond in accordance with law on or before the date specified in  
12 the summons commits a Class E crime. Upon that person's failure  
13 to appear or respond in accordance with law, the court may issue  
14 a warrant of arrest. It is an affirmative defense to prosecution  
15 under this subsection that the failure to appear or respond  
16 resulted from just cause.

17 6. Refusal to sign; prohibited act. No Any person may  
18 refuse who refuses to sign a citation or Uniform Summons and  
19 Complaint after having been ordered to do so by a law enforcement  
20 officer commits a Class E crime.

21 Sec. 3. 12 MRSA §8907, as enacted by PL 1989, c. 174, §3, is  
22 repealed and the following enacted in its place:

23 **§8907. Forest service citation form**

24 1. Form. The Director of the Bureau of Forestry, referred  
25 to in this section as the "director," may establish a statewide,  
26 uniform Maine Forest Service citation form. The form must  
27 include a statement that signing the citation does not constitute  
28 an admission of guilt and that refusal to sign the form after  
29 having been ordered to do so by a law enforcement officer  
30 constitutes a separate offense that is a Class E crime. Prior to  
31 its use, the form must be approved by the Chief Judge of the  
32 District Court. The director may designate the Uniform Summons  
33 and Complaint as the citation form to be used by the Maine Forest  
34 Service.

35 2. Citation books. When the director has established a  
36 citation form for use by the Maine Forest Service, the director  
37 is responsible for and shall issue the form established under  
38 subsection 1 in books with citations in not less than  
39 quadruplicate. The director may provide citation books to other  
40 law enforcement agencies and officers for their use in the  
41 enforcement of chapters 807 and 809. The director may not  
42 require other agencies to use this form. If the director  
43 designates the Uniform Summons and Complaint as the citation form  
44 to be used by the Maine Forest Service, the District Court is  
45 responsible for all Uniform Summons and Complaints issued to the  
46 Maine Forest Service. The director or the director's designee is  
47 responsible for the further issuance of Uniform Summons and  
48 Complaints.

2 Complaint books to individual law enforcement officers and for  
3 the proper disposition of those books.

4 3. Disposition; prohibited act. It is unlawful and  
5 official misconduct for any forest ranger or other public  
6 employee to dispose of an official citation form or Uniform  
7 Summons and Complaint except in accordance with law and as  
8 provided for in an applicable official policy or procedure of the  
9 Maine Forest Service.

10 4. Lawful complaint. A Maine Forest Service citation form  
11 or a Uniform Summons and Complaint may be filed in a court having  
12 jurisdiction and constitutes a lawful complaint to commence any  
13 criminal prosecution or civil violation proceeding if the form or  
14 Uniform Summons and Complaint is duly sworn to as required by law  
15 and otherwise legally sufficient in respect to the form of a  
16 complaint and charging an offense.

17 5. Lawful summons. A Maine Forest Service citation or a  
18 Uniform Summons and Complaint, when served upon a person by a law  
19 enforcement officer, functions as a summons to appear in court.  
20 Any person who fails to appear in court after having been served  
21 with a summons commits a Class E crime. Upon that person's  
22 failure to appear, the court may issue a warrant of arrest. It  
23 is an affirmative defense to prosecution under this subsection  
24 that the failure to appear resulted from just cause.

25 6. Refusal to sign; prohibited act. Any person who refuses  
26 to sign a citation or a Uniform Summons and Complaint after  
27 having been ordered to do so by a law enforcement officer commits  
28 a Class E crime.

29 Sec. 4. 17-A MRSA §15-A, as enacted by PL 1987, c. 375, is  
30 amended to read:

31 §15-A. Issuance of summons for criminal offense

32 1. A law enforcement officer who has probable cause to  
33 believe a crime has been or is being committed by a person may  
34 deliver issue or have delivered a written summons to that person  
35 directing him that person to appear in the District Court to  
36 answer the allegation that he the person has committed the  
37 crime. The summons shall must include the signature of the  
38 officer, a brief description of the alleged crime, the time and  
39 place of the alleged crime and the time, place and date the  
40 person is to appear in court. A person who is issued to whom a  
41 summons shall is issued or delivered must give a written promise  
42 to the issuing officer to appear. If the person refuses to sign  
43 the summons after having been ordered to do so by a law  
44 enforcement officer, the person commits a Class E crime. As soon  
45 as practicable after service of the summons, the officer shall  
46 cause a copy of the summons to be filed with the court.

2           2. Any person who a law enforcement officer has probable  
4 cause to believe has committed or is committing a crime other  
6 than one listed under section 15, subsection 1, paragraph A, and  
8 to whom a law enforcement officer is authorized to deliver a  
10 summons pursuant to subsection 1, who intentionally fails or  
12 refuses to provide to that officer reasonably credible evidence  
14 of ~~his~~ that person's name and address ~~is-guilty-of~~ commits a  
16 Class E crime, provided that he the person persists in the  
18 failure or refusal after having been informed by the officer of  
20 the provisions of this subsection. If that person furnishes the  
22 officer evidence of ~~his~~ the person's name and address and the  
24 evidence does not appear to be reasonably credible, the officer  
26 shall attempt to verify the evidence as quickly as is reasonably  
28 possible. During the period the verification is being attempted,  
30 the officer may require the person to remain in ~~his~~ the officer's  
32 presence for a period not to exceed 2 hours. During this period,  
34 if the officer reasonably believes that ~~his~~ the officer's safety  
36 or the safety of others then present so requires, he the officer  
may search for any dangerous weapon by an external patting of  
that person's outer clothing. If in the course of the search he  
the officer feels an object which ~~he~~ that the officer reasonably  
believes to be a dangerous weapon, he the officer may take such  
action as is necessary to examine the object, but he may take  
permanent possession of ~~any-such~~ the object only if it is subject  
to forfeiture. The requirement that the person remain in the  
presence of the officer shall does not be ~~deemed~~ constitute an  
arrest. After informing that person of the provisions of this  
subsection, the officer may arrest the person either if the  
person intentionally refuses to furnish any evidence of ~~his~~ that  
person's name and address or if, after attempting to verify the  
evidence as provided for in this subsection, the officer has  
probable cause to believe that the person has intentionally  
failed to provide reasonably credible evidence of ~~his~~ the  
person's name and address.

38           3. If, at ~~anytime~~ any time subsequent to an arrest made  
40 pursuant to subsection 2, it appears that the evidence of the  
42 person's name and address was accurate, ~~he-shall~~ the person must  
44 be released from custody and any record of that custody shall  
46 must show he that the person was released for that reason. If,  
upon trial for violating subsection 2, a person is acquitted on  
the ground that the evidence of ~~his~~ the person's name and address  
was accurate, the record of acquittal shall must show that that  
was the ground.

48           4. Any person who fails to appear in court, as directed by  
50 a summons served on ~~him~~ that person pursuant to subsection 1, ~~is~~  
52 guilty-of or to otherwise respond in accordance with law on or  
before the date specified in the summons commits a Class E  
crime. Upon that person's failure to appear or respond, the  
court may issue a warrant of arrest. It is an affirmative



2 defense to prosecution under this subsection that the failure to  
appear was ~~neither intentional nor knowing~~ or respond resulted  
3 from just cause.

4 Sec. 5. 17-A MRSA §17, as amended by PL 1985, c. 506, Pt. B,  
5 §§12 and 13, is further amended to read:

6  
7 **§17. Enforcement of civil violations**

8  
9  
10 1. A law enforcement officer who has probable cause to  
believe that a civil violation has been committed shall ~~deliver a~~  
11 ~~citation by a person~~ must issue or have delivered a written  
12 summons to such that person directing him the person to appear in  
13 the District Court to answer the allegation that ~~he~~ the person  
14 has committed the violation. ~~The citation shall~~ summons must  
15 include the signature of the officer, a brief description of the  
alleged violation, the time and place of the alleged violation  
16 and the time, place and date the person is to appear in court. A  
17 person to whom a summons is issued or delivered must give a  
18 written promise to appear. If the person refuses to sign the  
19 summons after having been ordered to do so by a law enforcement  
20 officer, the person commits a Class E crime. As soon as  
21 practicable after service of the citation summons, the officer  
22 shall cause a copy thereof of the summons to be filed with the  
23 court. ~~Upon a failure to appear, the court may issue a warrant~~  
24 of arrest.

25  
26  
27  
28 2. Any person to whom a law enforcement officer is  
authorized to issue or deliver a citation summons pursuant to  
29 subsection 1 who intentionally fails or refuses to provide such  
30 the officer reasonably credible evidence of his the person's name  
31 and address is-guilty-of commits a Class E crime, provided that  
32 he the person persists in such that failure or refusal after  
33 having been informed by the officer of the provisions of this  
34 subsection. If such the person furnishes the officer evidence of  
35 his that person's name and address and the evidence does not  
36 appear to be reasonably credible, the officer shall attempt to  
37 verify the evidence as quickly as is reasonably possible. During  
38 the period such that verification is being attempted, the officer  
39 may require the person to remain in his the officer's presence  
40 for a period not to exceed 2 hours. During this period, if the  
41 officer reasonably believes that his the officer's safety or the  
42 safety of others then present so requires, he the officer may  
43 search for any dangerous weapon by an external patting of such  
44 the person's outer clothing. If in the course of such the search  
45 he the officer feels an object which--he that the officer  
46 reasonably believes to be a dangerous weapon, he the officer may  
47 take such action as is necessary to examine such the object, but  
48 he may take permanent possession of any-such the object only if  
49 it is subject to forfeiture. The requirement that the person  
50 remain in the presence of the officer shall does not be-deemed  
51 constitute an arrest.

2 After informing the person of the provisions of this subsection,  
3 the officer may arrest the person either if the person  
4 intentionally refuses to furnish any evidence of his that  
5 person's name and address or if, after attempting to verify the  
6 evidence as provided for in this subsection, the officer has  
7 probable cause to believe that the person has intentionally  
8 failed to provide reasonably credible evidence of his the  
9 person's name and address.

10  
11 3. If, at any time subsequent to an arrest made pursuant to  
12 subsection 2, it appears that the evidence of the person's name  
13 and address was accurate, ~~he shall~~ the person must be released  
14 from custody and any record of such that custody shall must show  
15 that he the person was released for that reason. If, upon trial  
16 for violating subsection 2, a person is acquitted on the ground  
17 that the evidence of his the person's name and address was  
18 accurate, the record of acquittal shall must show that such that  
19 was the ground.

20  
21 4. Any person who fails to appear in court, as directed by  
22 a ~~citation~~ summons served on him that person pursuant to  
23 subsection 1, ~~is guilty of or to otherwise respond in accordance~~  
24 with law on or before the date specified in the summons commits a  
25 Class E crime. Upon that person's failure to appear or respond,  
26 the court may issue a warrant of arrest. It is an affirmative  
27 defense to prosecution under this subsection that the failure to  
28 appear was neither intentional nor knowing or respond resulted  
29 from just cause.

30  
31 **Sec. 6. 29 MRSA §2300**, as amended by PL 1981, c. 679, §56, is  
32 further amended to read:

33  
34 **§2300. Uniform Summons and Complaint**

35  
36 1. **Form.** Every law enforcement agency in this State shall  
37 use traffic citations summonses in the form known as the Uniform  
38 Traffic-Ticket Summons and Complaint, which shall must be uniform  
39 throughout the State and which shall must be issued in books with  
40 citations summonses in no less than quadruplicate and meeting the  
41 requirements of this chapter. The Uniform Summons and Complaint  
42 must include, at a minimum, the signature of the officer, a brief  
43 description of the alleged offense, the time and place of the  
44 alleged offense and the time, place and date the person is to  
45 appear in court. The Uniform Summons and Complaint must also  
46 include a statement that signing the summons does not constitute  
47 an admission or plea of guilty and that refusal to sign is a  
48 separate Class E crime. A person to whom a Uniform Summons and  
49 Complaint is issued or delivered must give a written promise to  
50 appear. The form of the Uniform Summons and Complaint must be  
51 approved by the Chief Judge of the District Court prior to its  
52 use.

2  
4  
6  
8  
10  
12  
14  
16  
18  
20  
22  
24  
26  
28  
30  
32  
34  
36  
38  
40  
42  
44  
46  
48  
50

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

A. The District Court shall ~~be~~ is responsible for all Uniform Traffic-Tickets Summons and Complaints issued to law enforcement agencies or others.

B. The chief executive officer of every such law enforcement agency or his that chief executive officer's designate shall ~~be~~ is responsible for the further issuance 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 Summons and Complaint or any portion thereof or of the record of the issuance thereof of a Uniform Summons and Complaint in a manner other than as required under rules ~~or regulations~~ premulgated adopted pursuant to this section. Any person who solicits or aids in the disposition, or attempted disposition, of a Uniform Traffic-Ticket Summons and Complaint or any portion thereof of a Uniform Summons and Complaint 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, 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 to otherwise respond in accordance with law on or before the date specified in the summons. Any person who fails to appear in court as directed by the summons or to otherwise respond in accordance with law on or before the date specified in the summons 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 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 to have been committed, then such citation the summons 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.

