

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)

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

STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1602, L.D. 2264, Bill, "An Act to Enhance the Operations of the District Court Violations Bureau"

Amend the bill by inserting after section 1 the following:

Sec. 2. 4 MRSA §173, sub-§2-A, as enacted by PL 1991, c. 549, §5 and affected by §17, is amended to read:

2-A. Costs in traffic infraction or civil violation cases. The Chief Judge shall establish costs to be paid by a defendant to reopen a traffic infraction or civil violation case after the case has been disposed of by default resulting from the defendant's failure to file a timely written answer or the defendant's failure to appear ~~for trial~~ in court.

In addition to other penalties provided by law, the court may impose on the defendant reasonable costs for the defendant's failure to answer or the defendant's failure to appear in court.'

Further amend the bill by inserting after section 3 the following:

Sec. 4. 17-A MRSA §17, sub-§1, as amended by PL 1991, c. 549, §7 and affected by §17, is further amended to read:

1. A law enforcement officer who has probable cause to believe that a civil violation has been committed by a person must issue or have delivered a written summons to that person directing the person to appear in the District Court to answer the allegation that the person has committed the violation. The summons must include the signature of the officer, a brief description of the alleged violation, the time and place of the

2 alleged violation and the time, place and date the person is to
3 appear in court. The form used must be the Violation Summons and
4 Complaint, as prescribed in Title 29, section 2300, for traffic
5 infractions and the Uniform Summons and Complaint for other civil
6 violations, except that, if the agency by whom the officer is
7 employed has on May 1, 1991 current stocks of forms that the
8 agency is authorized to use, the agency may permit officers to
9 use those forms in place of the Uniform Summons and Complaint
10 until those stocks are depleted. A person to whom a summons is
11 issued or delivered must give a written promise to appear. If
12 the person refuses to sign the summons after having been ordered
13 to do so by a law enforcement officer, the person commits a Class
14 E crime. The law enforcement officer may not order a person to
15 sign the summons for a civil violation unless the civil violation
16 is an offense defined in Title 12; Title 23, section 1980; Title
17 28-A, section 2052; or Title 29. ~~As soon as practicable after
18 service of the summons, the officer shall cause a copy of the
19 summons to be filed with the court.~~

20 Every law enforcement officer issuing a Violation Summons and
21 Complaint charging the commission of a traffic infraction shall
22 file the original of the Violation Summons and Complaint with the
23 violations bureau within 5 days of the issuance of that Violation
24 Summons and Complaint. Every law enforcement officer issuing a
25 Uniform Summons and Complaint that charges the commission of an
26 offense shall file the original of the Uniform Summons and
27 Complaint with the District Court having jurisdiction over the
28 offense or in such other location as instructed by the Chief
29 Judge of the District Court without undue delay and, in any
30 event, within 5 days after the issuance of the Uniform Summons
31 and Complaint.'

32 Further amend the bill in section 4 in subsection 2 in the
33 2nd line (page 3, line 3 in L.D.) by striking out the following:
34 "~~shall be is not~~" and inserting in its place the following:
35 '~~shall may not~~ be'

36 Further amend the bill by renumbering the sections to read
37 consecutively.

STATEMENT OF FACT

42 This amendment restores language inadvertently repealed in
43 1990 permitting a court to impose reasonable costs on a defendant
44 for failure to answer or failure to appear in court. The
45 amendment adds language to provide consistency between the Maine
46
47
48

COMMITTEE AMENDMENT "A" to H.P. 1602, L.D. 2264

2 Revised Statutes, Title 17-A and Title 29 with regard to the
requirements for law enforcement officers filing a summons and
4 complaint. The amendment also makes technical changes that were
made incorrectly in the original bill.

Reported by the Committee on Judiciary.

Reproduced and distributed under the direction of the Clerk of the House.

3/6/92

(H-1057)

COMMITTEE AMENDMENT