

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

SECOND REGULAR SESSION-1992

Legislative Document

No. 2264

H.P. 1602

House of Representatives, January 30, 1992

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.
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 PARADIS of Augusta.

STATE OF MAINE

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

**An Act to Enhance the Operations of the District Court Violations
Bureau.**

(AFTER DEADLINE)

(EMERGENCY)



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

4
6 **Whereas,** the violations bureau has been established in the
District Court pursuant to Title 4, section 164, subsection 12
and the violations bureau is permitted to accept payment of
8 waiver fines by persons charged with traffic infraction offenses;
and

10
12 **Whereas,** as of January 1, 1992 the use of a Uniform Traffic
Ticket and Complaint is not permitted in traffic infraction
cases; and

14
16 **Whereas,** certain statutes other than Title 29 refer to
certain offenses as traffic infractions that, because of their
nature and applicable penalties, can not be processed as traffic
18 infractions; and

20 **Whereas,** electronic transfer of information between the
District Court Violations Bureau and the Office of the Secretary
22 of State, Division of Motor Vehicles is not yet possible and
without such electronic transfer of information proper notice of
24 license suspension can not be given by the District Court
Violations Bureau as required by Title 29, section 2301-B to
26 those persons suspended for failure to answer a Violation Summons
and Complaint or appear for trial; and

28
30 **Whereas,** under current statutes a proper allocation may not
be made of the funds deposited to the Government Operations
32 Surcharge Fund from surcharges added to traffic infraction fines,
penalties and forfeitures; and

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

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

42 **Sec. 1. 4 MRSA §171-A,** as enacted by PL 1975, c. 731, §4, is
repealed and the following enacted in its place:

44 **§171-A. Traffic infraction and civil violation complaints**

46 **1. Traffic infraction.** When a complaint is made to the
48 proper officer of the District Court charging a person with the
commission of a traffic infraction the officer of the District
50 Court shall cause to be served upon the person a Violation

2 Summons and Complaint or other process in such form and under
3 such circumstances as the Supreme Judicial Court shall by rule
4 provide.

6 2. Civil violations. When a complaint is made to the
7 proper officer of the District Court charging a person with the
8 commission of a civil violation other than a traffic infraction,
9 the officer of the District Court shall cause to be served upon
10 the person a Uniform Summons and Complaint or other process in
11 such form and under such circumstances as the Supreme Judicial
12 Court shall by rule provide.

14 **Sec. 2. 4 MRSA §1057, sub-§3,** as amended by PL 1991, c. 303,
15 §1, is further amended to read:

16 **3. Reimbursement to counties.** Monthly, the Treasurer of
17 State shall make payments from this fund to each county in direct
18 ~~proportion to the amount of revenue obtained from all courts~~
19 ~~within each county~~ the same proportion as the total amount paid
20 to that county from the total amount deposited into the fund
21 during the fiscal year ending June 30, 1991 bears to the total
22 amount deposited into the fund during the fiscal year ending June
23 30, 1991, except that a county may not receive an amount greater
24 than the prior year's expenditures on its jail. The amount of
25 total payments made to counties must equal 2% of the total fines,
26 forfeitures and penalties, including this surcharge, received by
27 the Treasurer of State. The balance remaining in the Government
28 Operations Surcharge Fund at the end of each month must accrue to
29 the General Fund.

30 **Sec. 3. 17 MRSA §2264, sub-§5,** as enacted by PL 1989, c. 820,
31 §4, is amended to read:

34 **5. Vehicle operator.** From a vehicle. When any litter is
35 thrown or discarded from a vehicle, both the operator of the
36 vehicle, unless it is a vehicle being used for the carriage of
37 passengers for hire, and the person actually disposing of the
38 litter are in violation of this section. The violation is
39 ~~punishable as a traffic infraction~~ civil violation under Title
40 29, chapter 19. This penalty is in addition to any penalty under
41 section 2264-A.

42 A record of a violation of this subsection must be forwarded to
43 the Secretary of State who, in accordance with Title 29, section
44 2304, shall add the violation to the department's point system
45 and the violation is counted in determining an individual's total
46 points under the point system of the Division of Motor Vehicles.

48 **Sec. 4. 29 MRSA §111, sub-§2,** as repealed and replaced by PL
49 1975, c. 731, §25, is amended to read:

2 **2. Presentation.** No A person charged with violating this
section shall ~~be~~ is not adjudicated to have committed a traffic
4 infraction if he that person produces in court a certificate of
registration ~~therebefore~~ issued for said vehicle and valid at the
6 time and date of the issuance of the Uniform Traffic-Ticket
Summons and Complaint. If the person charged shall ~~exhibit~~
8 exhibits to a law enforcement officer designated by the issuing
officer ~~sueh~~ the certificate of registration, not later than 24
10 hours before the time set for the court appearance, then the
traffic infraction proceeding shall must be dismissed.

12 **Sec. 5. 29 MRSA §531-B**, as amended by PL 1983, c. 816, Pt. A,
14 §27, is further amended to read:

16 **§531-B. License or permit to be carried and exhibited on demand**

18 Every licensee, including persons a person to whom a
temporary ~~driver's~~ operator's license has been issued, and every
20 person to whom an instruction permit has been issued shall have
his that person's operator's license or instruction permit in his
22 that person's immediate possession at all times when operating a
motor vehicle and shall hand over for inspection the same upon
24 demand of a police officer. No A person charged with violating
this section shall may not be adjudicated to have committed a
26 traffic infraction if he that person produces in court an
operator's license or instruction permit ~~therebefore~~ issued to
28 him that person and valid at the time and date of the issuance of
the Uniform Traffic-Ticket Summons and Complaint. If the person
30 charged shall ~~exhibit~~ exhibits to a law enforcement officer
designated by the issuing officer ~~sueh~~ an operator's license or
32 instruction permit, not later than 24 hours before the time set
for the court appearance, then the traffic infraction proceeding
34 shall must be dismissed.

36 **Sec. 6. 29 MRSA §2241, sub-§4**, as amended by PL 1991, c. 293,
38 §3, is further amended to read:

40 **4. Notice of suspension or revocation.** Notice Except as
provided in section 2301-B, notice of any suspension or
42 revocation ordered or issued under this Title must be sent by
regular mail or served in hand. Written notice is sufficient if
44 sent by regular mail to the last known name and address provided
by the person, as required by section 546, to the Secretary of
46 State or, in the case of a person who has not applied for or who
has not been issued a Maine operator's license, to the last
48 address shown by the records maintained by the Secretary of
State. The notice must also state that the license will not be
reinstated and the person may not operate a motor vehicle before
50 payment of the reinstatement fee as required under section 2241-D.

