

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

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Legislative Document

No. 1480

S.P. 478

In Senate, March 11, 1997

**An Act to Decriminalize Various Traffic Violations and Enhance  
Collectibility of Associated Penalties.**

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Reference to the Committee on Transportation 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 MILLS of Somerset.

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

2           **Sec. 1. 29-A MRSA §351, sub-§1**, as enacted by PL 1993, c. 683,  
4 Pt. A, §2 and affected by Pt. B, §5, is amended to read:

6           **1. Failure to register.** A person commits a ~~Class-E-crime~~  
8 traffic infraction if that person fails to register a vehicle  
that is operated or remains on a public way as provided by this  
Title.

10           **Sec. 2. 29-A MRSA §351, sub-§1-A**, as repealed and replaced by  
12 PL 1995, c. 584, Pt. B, §4, is amended to read:

14           **1-A. Residents required to register.** An owner of a vehicle  
16 who becomes a resident of this State shall register that vehicle  
in this State within 30 days of establishing residency. A person  
18 who operates or allows a vehicle that is not registered in  
accordance with this subsection to remain on a public way commits  
a ~~Class-E-crime~~ traffic infraction pursuant to subsection 1.

20           **Sec. 3. 29-A MRSA §404, sub-§2**, as enacted by PL 1993, c. 683,  
22 Pt. A, §2 and affected by Pt. B, §5, is amended to read:

24           **2. Dismissal.** A person served with a Violation Summons and  
26 Complaint charging a violation of this section may have the  
complaint dismissed if that person shows satisfactory evidence  
28 that the vehicle was registered at the time of the alleged  
violation. The clerk of the District Court violations bureau  
30 must dismiss the complaint if, prior to the date required for  
filing an answer to the complaint, the person charged files with  
32 the bureau a copy of the Violation Summons and Complaint together  
with satisfactory evidence that the vehicle was registered at the  
34 time of the alleged violation. If a person files a timely answer  
of "~~not-contested~~" "contest" to a Violation Summons and Complaint  
36 alleging a violation of this section and that person presents  
satisfactory evidence to the court at the time of trial showing  
38 that the vehicle was registered at the time of the alleged  
violation, the court must dismiss the complaint.

40           **Sec. 4. 29-A MRSA §521, sub-§8**, as repealed and replaced by PL  
42 1995, c. 482, Pt. A, §4, is amended to read:

44           **8. Violation.** A person other than a person with a  
disability or an organization transporting a person with a  
46 disability using a set of disability registration plates or a  
windshield placard commits a traffic infraction and is subject to  
a \$100 \$125 penalty. The disability registration plates or  
48 removable windshield placard may be suspended for improper use.

2           **Sec. 5. 29-A MRSA §558, sub-§1**, as repealed and replaced by PL  
1995, c. 625, Pt. A, §32, is amended to read:

4           **1. Violation.** A person commits a ~~Class-E-crime~~ traffic  
6 infraction if that person violates or knowingly permits a  
violation of this subchapter or a rule adopted pursuant to this  
subchapter. The violation is a Class C crime if:

8           A. The violation is knowing or intentional;

10           B. The violation in fact causes either death or serious  
12 bodily injury, as defined in Title 17-A, section 2, to a  
person whose health or safety is protected by the provision  
14 violated; and

16           C. The death or injury is a reasonably foreseeable  
consequence of the violation.

18           **Sec. 6. 29-A MRSA §558, sub-§1-A**, as enacted by PL 1995, c.  
20 625, Pt. A, §33, is amended to read:

22           **1-A. Minimum fine.** Notwithstanding ~~Title 17-A, section~~  
24 ~~1301~~ section 103, the minimum fine for a violation of a state  
rule that adopts by reference the federal regulations found in 49  
Code of Federal Regulations, Parts 395.3, 395.8e and 395.8k is  
26 \$250. If a minimum fine is provided by any rule adopted pursuant  
to this subchapter, the court shall impose at least the minimum  
28 fine, which may not be suspended by the court.

30           **Sec. 7. 29-A MRSA §752, sub-§3**, as enacted by PL 1993, c. 683,  
Pt. A, §2 and affected by Pt. B, §5, is amended to read:

32           **3. Violation.** Any person, corporation, organization or  
34 other legal entity that knowingly violates this section commits a  
~~Class-D-crime~~ traffic infraction. A violation of this section is  
36 a violation of Title 5, chapter 10.

38           **Sec. 8. 29-A MRSA §951, sub-§2**, as enacted by PL 1993, c. 683,  
Pt. A, §2 and affected by Pt. B, §5, is amended to read:

40           **2. Dealers must be licensed.** A person may not engage in  
42 the business of buying, selling, exchanging, offering to  
negotiate, negotiating or advertising a sale of vehicles unless  
44 that person has been issued a license under this subchapter.  
Violation of this subsection is a ~~Class-E-crime~~ traffic  
46 infraction.

48           **Sec. 9. 29-A MRSA §951, sub-§5**, as enacted by PL 1993, c. 683,  
Pt. A, §2 and affected by Pt. B, §5, is amended to read:

2           **5. Approval of location.** All branch and annex locations  
3 must be approved and licensed. The annual fee for each branch or  
4 annex location is \$75. Violation of this subsection is a ~~Class-E~~  
crime traffic infraction.

6           **Sec. 10. 29-A MRSA §952, sub-§3,** as enacted by PL 1993, c.  
7 683, Pt. A, §2 and Pt. B, §5, is amended to read:

8           **3. Penalty.** A person who fails to comply with subsection  
9 1, paragraphs A to E or subsection 4 commits a ~~Class-E~~  
10 crime traffic infraction.

12           **Sec. 11. 29-A MRSA §953, sub-§6,** as enacted by PL 1993, c.  
13 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

14           **6. Penalty.** A person who fails to comply with this section  
15 commits a ~~Class-E~~  
16 crime traffic infraction.

18           **Sec. 12. 29-A MRSA §955, sub-§3,** as enacted by PL 1993, c.  
19 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

20           **3. Penalty.** A person who fails to comply with this section  
21 commits a ~~Class-E~~  
22 crime traffic infraction.

24           **Sec. 13. 29-A MRSA §1003, sub-§4,** as enacted by PL 1993, c.  
25 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

26           **4. Record.** A complete record must be kept at the  
27 licensee's established place of business, stating the hour and  
28 date the vehicle is loaned and returned, the serial number of the  
29 vehicle loaned, the loaner plate number and the registration  
30 number of the customer's vehicle. Failure to keep this record is  
31 a ~~Class-E~~  
32 crime traffic infraction.

34           **Sec. 14. 29-A MRSA §1051, sub-§9,** as enacted by PL 1993, c.  
35 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

36           **9. Penalty.** A person who fails to obtain a vehicle auction  
37 business license as required by this section commits a ~~Class-E~~  
38 crime traffic infraction.

40           **Sec. 15. 29-A MRSA §1052, sub-§6,** as enacted by PL 1993, c.  
41 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

42           **6. Penalty.** Violation of this section is a ~~Class-E~~  
43 crime traffic infraction.

44           **Sec. 16. 29-A MRSA §1251, sub-§1-A,** as enacted by PL 1995, c.  
45 584, Pt. B, §5, is amended to read:

1-A. **Residents required to obtain license.** Within 30 days  
2 of becoming a resident of this State, a person shall apply to  
4 obtain a license in accordance with section 1301. A person who  
6 fails to comply with the requirement of this subsection and  
operates a motor vehicle on a public way or parking area commits  
a ~~Class-E-crime~~ traffic infraction pursuant to subsection 1.

8 **Sec. 17. 29-A MRSA §1251, sub-§2,** as amended by PL 1995, c.  
584, Pt. B, §6, is further amended to read:

10 2. **Penalty.** Operating without a license is a ~~Class--E~~  
12 ~~crime,--except--that--if--the--license--is--issued--by--this--State--and--has~~  
14 ~~expired--within--90--days,--the--offense--is--a~~ traffic infraction.

16 **Sec. 18. 29-A MRSA §1304, sub-§6,** as enacted by PL 1993, c.  
683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

18 6. **Penalty.** A person commits a ~~Class--E--crime~~ traffic  
20 infraction if that person accompanies a permittee who is  
operating a vehicle on a public way and that accompanying person  
has impaired mental or physical functioning as a result of the  
22 use of intoxicating liquor or drugs.

24 **Sec. 19. 29-A MRSA §1408, sub-§3,** as corrected by RR 1993, c.  
2, §22, is amended to read:

26 3. **Dismissal.** A person served with a Violation Summons and  
28 Complaint charging a violation of this section may have the  
complaint dismissed if that person shows satisfactory evidence  
30 that the person held a valid license at the time of the alleged  
violation. The clerk of the District Court Violations Bureau  
32 must dismiss the complaint if, prior to the date required for  
filing an answer to the complaint, the person charged files a  
34 copy of the Violation Summons and Complaint with the bureau,  
together with evidence that the person held a valid license at  
36 the time of the alleged violation. If a person files a timely  
answer of ~~net--contested~~ "contest" to a Violations Summons and  
38 Complaint alleging a violation of this section and that person  
presents satisfactory evidence to the court at the time of trial  
40 that the person held a valid license at the time of the alleged  
violation, the court must dismiss the complaint.

42 **Sec. 20. 29-A MRSA §1601, sub-§4,** as enacted by PL 1993, c.  
44 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

46 4. **Dismissal.** A person served with a Violations Summons  
and Complaint charging a violation of this section may have the  
48 complaint dismissed if that person shows satisfactory evidence of  
liability insurance or financial responsibility that was in  
50 effect at the time of the alleged violation. The clerk of the

2 District Court Violations Bureau must dismiss the complaint if,  
3 prior to the date required for filing an answer to the complaint,  
4 the person charged files a copy of the Violation Summons and  
5 Complaint with the bureau, together with satisfactory evidence of  
6 liability insurance or financial responsibility that was in  
7 effect at the time of the alleged violation. If a person files a  
8 timely answer of ~~not-contested~~ "contest" to a Violations Summons  
9 and Complaint alleging a violation of this section and that  
10 person presents to the court at the time of trial satisfactory  
11 evidence of liability insurance or financial responsibility that  
12 was in effect at the time of the alleged violation, the court  
13 must dismiss the complaint.

14 **Sec. 21. 29-A MRSA §1612, last ¶,** as enacted by PL 1993, c.  
15 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

16 The operation, or the release for operation, of any vehicle  
17 registered under chapter 9, subchapter I that is not in  
18 compliance with this section is a ~~Class--E--crime~~ traffic  
19 infraction.

22 **Sec. 22. 29-A MRSA §1768, sub-§5,** as enacted by PL 1993, c.  
23 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

24 **5. Operation of defective vehicle.** A person commits a  
25 ~~Class--E--crime~~ traffic infraction if that person operates a  
26 vehicle on a public way with equipment on the vehicle that does  
27 not conform to the standards of this subchapter.

30 **Sec. 23. 29-A MRSA §1918,** as enacted by PL 1993, c. 683, Pt.  
31 A, §2 and affected by Pt. B, §5, is amended to read:

32 **§1918. regrooved tires**

34 A person commits a ~~Class-E-crime~~ traffic infraction if that  
35 person distributes, has for sale, offers for sale, sells or uses  
36 on a motor vehicle a pneumatic tire that has been regrooved below  
37 the original tread depth, unless that tire was originally  
38 manufactured with extra undertread material.

40 **Sec. 24. 29-A MRSA §2057, sub-§10,** as enacted by PL 1993, c.  
41 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

44 **10. Failure to yield.** A person commits a ~~Class-E-crime~~  
45 traffic infraction if that person operates a vehicle past a yield  
46 sign and collides with a vehicle or pedestrian proceeding on the  
47 intersecting way.

48 **Sec. 25. 29-A MRSA §2063, sub-§7,** as enacted by PL 1993, c.  
49 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

2           **7. Penalties.** A person 17 years of age or over who  
3 violates this section commits a traffic infraction with a maximum  
4 fine of \$10 \$25.

6           **Sec. 26. 29-A MRSA §2074, sub-§3,** as amended by PL 1995, c.  
7 584, Pt. B, §8, is further amended to read:

8           **3. Criminal offense.** A person commits a Class E crime if  
9 that person operates a motor vehicle at a speed that exceeds the  
10 maximum rate of speed by 30 35 miles per hour or more.

11           The complaint for a violation of a speed limit must specify the  
12 speed at which the defendant is alleged to have operated a motor  
13 vehicle.

14           **Sec. 27. 29-A MRSA §2074, sub-§3-A,** as enacted by PL 1995, c.  
15 584, Pt. B, §9, is amended to read:

16           **3-A. Minimum fine.** A person who operates a motor vehicle  
17 on the Maine Turnpike or the Interstate Highway System at a speed  
18 that exceeds the posted speed of 65 miles per hour by less than  
19 30 35 miles per hour commits a traffic infraction punishable by a  
20 fine of not less than \$50.

21           **Sec. 28. 29-A MRSA §2076, sub-§5,** as enacted by PL 1993, c.  
22 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

23           **5. Penalty.** An operator failing to comply with the  
24 requirements of ~~this section~~ subsection 1 or 2 commits a traffic  
25 infraction. An operator who fails to comply with subsection 3  
26 commits a Class E crime. An operator commits a Class D crime if  
27 that operator is required to stop under subsection 3 and fails to  
28 stop for or yield the right-of-way to a train, engine or  
29 conveyance on the track.

30           **Sec. 29. 29-A MRSA §2081, sub-§4, ¶C,** as amended by PL 1995,  
31 c. 432, §3 and affected by §4, is further amended to read:

32           C. A violation of subsection 2 is a traffic infraction.  
33 The court shall waive the fine for a first violation of  
34 subsection 2 by a parent or legal guardian if the parent or  
35 legal guardian provides the court with satisfactory evidence  
36 that the parent or legal guardian has acquired a child  
37 safety seat for continuous use by the child within 30 20  
38 days of the violation.

39           **Sec. 30. 29-A MRSA §2081, sub-§4, ¶D,** as amended by PL 1995,  
40 c. 597, §3, is further amended to read:



2 D. A violation of subsection 3 or 3-A is a traffic  
3 infraction. The fine for a violation of subsection 3 or 3-A  
4 may not be less than \$25 nor more than \$50 \$75.

6 **Sec. 31. 29-A MRSA §2081, sub-§4, ¶E,** as enacted by PL 1995,  
7 c. 432, §3 and affected by §4, is repealed.

8 **Sec. 32. 29-A MRSA §2082, sub-§7,** as amended by PL 1995, c.  
9 65, Pt. A, §108, and affected by §153 and Pt. C, §15, is further  
10 amended to read:

12 **7. Placement of stickers on illegally parked vehicles.** A  
13 person may not place a sticker or other device on the windshield  
14 of a motor vehicle parked in a manner that allegedly constitutes  
15 trespass by motor vehicle, as defined in Title 17-A, section 404,  
16 if the sticker or other device would obstruct the driver's  
17 forward view. A person who places a sticker in violation of this  
18 subsection commits a civil violation for which a forfeiture not  
19 to exceed \$50 \$75 may be adjudged. This subsection does not  
20 apply to law enforcement officers engaged in the performance of  
21 official duties.

22 **Sec. 33. 29-A MRSA §2102, first ¶,** as enacted by PL 1993, c.  
23 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

24 A person commits a ~~Class-E-crime~~ traffic infraction if that  
25 person:

26 **Sec. 34. 29-A MRSA §2104, sub-§§1 and 2,** as enacted by PL 1993,  
27 c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

28 **1. False plates.** A person commits a ~~Class-E-crime~~ traffic  
29 infraction if that person attaches or permits to be attached to a  
30 vehicle a registration plate assigned to another vehicle or not  
31 currently assigned to that vehicle.

32 **2. False identification.** A person commits a ~~Class-E-crime~~  
33 traffic infraction if that person obscures identification  
34 numbers, identification letters, the state name, validation  
35 sticker or mark distinguishing the type of plate attached to a  
36 vehicle.

37 **Sec. 35. 29-A MRSA §2107,** as enacted by PL 1993, c. 683, Pt.  
38 A, §2 and affected by Pt. B, §5, is amended to read:

39 **§2107. Tampering with signs**

40 A person commits a ~~Class-E-crime~~ traffic infraction if that  
41 person removes or tampers with a sign, light, flare, reflector or

2 other signalling or safety device placed by the Department of  
4 Transportation, a county or municipal official or a contractor  
performing repairs or maintenance work on or adjoining a public  
way.

6 **Sec. 36. 29-A MRSA §2108**, as enacted by PL 1993, c. 683, Pt.  
8 A, §2 and affected by Pt. B, §5, is amended to read:

10 **§2108. Use of closed way**

12 A person commits a ~~Class-E-crime~~ traffic infraction if that  
14 person operates a vehicle over a public way that is lawfully  
closed by posted notice for construction or repairs unless  
permission to pass is expressly granted by a person in charge of  
the work.

16 **Sec. 37. 29-A MRSA §2110, sub-§6**, as enacted by PL 1993, c.  
18 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

20 **6. Forfeitures.** For a violation of subsection 2, a  
forfeiture not to exceed \$50 ~~\$75~~ may be adjudged.

22 **Sec. 38. 29-A MRSA §2251, sub-§8**, as enacted by PL 1993, c.  
24 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

26 **8. Violation.** A person commits a ~~Class-E-crime~~ traffic  
28 infraction if that person:

30 A. Is required to make an oral or written report and  
knowingly fails to do so within the time required; or

32 B. Is an operator involved in a reportable accident and  
34 knowingly fails to give a correct name and address when  
requested by an officer at the scene.

36 **SUMMARY**

38 This bill converts several motor vehicle violations that are  
40 currently crimes into traffic violations. Traffic violations can  
be enforced through the violations bureau of the District Court.  
42 A person accused of a traffic violation may contest it in court.

44 This bill also clarifies certain civil provisions concerning  
46 contesting a traffic infraction. Several maximum fines are  
adjusted to accommodate surcharges. The amount of time a parent  
48 has to show the court that a child safety seat has been acquired  
is reduced from 30 days to 20 days. The requirement that a fine  
be imposed for a separate violation in order for a fine to be  
50 imposed for violations of the seat belt law is repealed.