

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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**Legislative Document**

**No. 1021**

H.P. 757

House of Representatives, March 10, 2011

### **An Act To Transfer Jurisdiction of Traffic Adjudications**

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Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative MOULTON of York.

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

**Sec. 1. 29-A MRSA c. 3, sub-c. 4 is enacted to read:**

## SUBCHAPTER 4

## ADMINISTRATIVE ADJUDICATION OF TRAFFIC INFRACTIONS

## §281. Transfer of authority to adjudicate traffic infractions

The authority to adjudicate traffic infractions is transferred from the District Court to the Secretary of State effective January 1, 2014.

## §282. Administrative adjudication of traffic infractions

Effective January 1, 2014, the Secretary of State shall administratively hear and determine all traffic infractions.

**Sec. 2. Report.** The Secretary of State, in consultation with the Administrative Office of the Courts, shall develop and submit to the First Regular Session of the 126th Legislature by February 1, 2013 a report that includes recommendations and legislation necessary to implement the transfer of authority as provided in section 1. The report must address at least the following elements:

1. Elimination of District Court jurisdiction over traffic infractions;
2. The need for the replacement or upgrade of computer software and support systems at the Judicial Branch Violations Bureau;
3. Implementation of a Department of the Secretary of State, Bureau of Motor Vehicles and Judicial Branch Violations Bureau computer system interface;
4. Immediate availability of data;
5. Options for improving suspension notification procedures originating from the judicial branch. All persons whose licenses are suspended by the court, including those notified directly by the judicial branch, must also receive notification from the Secretary of State;
6. Staffing policies and procedures at the Judicial Branch Violations Bureau with the goal of providing data to the Secretary of State on violations and patterns of driving behavior;
7. The administrative hearing process, including standard of proof;
8. Appeals from administrative hearings to the Secretary of State, including the appropriate standard of review;
9. Personnel requirements, including hearing examiners;

10. The application of the Law Enforcement Agency Reimbursement Fund established in the Maine Revised Statutes, Title 4, section 173, subsection 4-B;

11. Fines remitted to the Penobscot Nation or the Passamaquoddy Tribe based on the participation of tribal law enforcement agencies, as required in Title 4, section 1059;

12. The use of and responsibility for the Uniform Summons and Complaint and the Violations Summons and Complaint;

13. The establishment of a schedule of fines for traffic infractions;

14. Consequences for failure to appear at an administrative hearing; and

15. The goals included in the December 16, 2009 report of the judicial branch and the Secretary of State, "Enhancing Public Safety & Improving Citizen Service: A Report of the Maine Judicial Branch & Maine Department of the Secretary of State."

## SUMMARY

This bill transfers the jurisdiction over traffic infractions from the District Court to the Secretary of State, effective January 1, 2014.

The Secretary of State, in consultation with the Administrative Office of the Courts, shall submit a report on the transition to the First Regular Session of the 126th Legislature. The report must address at least the following:

1. Elimination of District Court jurisdiction over traffic infractions;

2. The need for the replacement or upgrade of computer software and support systems at the Judicial Branch Violations Bureau;

3. Implementation of a Department of the Secretary of State, Bureau of Motor Vehicles and Judicial Branch Violations Bureau computer system interface;

4. Immediate availability of data;

5. Options for improving suspension notification procedures originating from the judicial branch. All persons whose licenses are suspended by the court, including those notified directly by the judicial branch, must also receive notification from the Secretary of State;

6. Staffing policies and procedures at the Judicial Branch Violations Bureau with the goal of providing data to the Secretary of State on violations and patterns of driving behavior;

7. The administrative hearing process, including standard of proof;

8. Appeals from administrative hearings to the Secretary of State, including the appropriate standard of review;

- 1           9. Personnel requirements, including hearing examiners;
- 2           10. The application of the Law Enforcement Agency Reimbursement Fund;
- 3           11. Fines remitted to the Penobscot Nation or the Passamaquoddy Tribe based on the
- 4 participation of tribal law enforcement agencies, as required in the Maine Revised
- 5 Statutes, Title 4, section 1059;
- 6           12. The use of and responsibility for the Uniform Summons and Complaint and the
- 7 Violations Summons and Complaint;
- 8           13. The establishment of a schedule of fines for traffic infractions;
- 9           14. Consequences for failure to appear at an administrative hearing; and
- 10          15. The goals included in the December 16, 2009 report, "Enhancing Public Safety
- 11 & Improving Citizen Service: A Report of the Maine Judicial Branch & Maine
- 12 Department of the Secretary of State."