

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

SECOND REGULAR SESSION-2014

Legislative Document

No. 1758

H.P. 1262

House of Representatives, February 4, 2014

**An Act To Clarify the Use of the Term "Civil Violation" in the
Motor Vehicle Statutes**

Reported by Representative THERIAULT of Madawaska for the Criminal Law Advisory Commission pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2.

Reference to the Committee on Transportation suggested and ordered printed pursuant to Joint Rule 218.

Millicent M. MacFarland

MILLICENT M. MacFARLAND

Clerk

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

2 **Sec. 1. 29-A MRSA §101, sub-§85**, as enacted by PL 1993, c. 683, Pt. A, §2 and
3 affected by Pt. B, §5, is amended to read:

4 **85. Traffic infraction.** "Traffic infraction" means any violation of any provision of
5 this Title, or of any rules established under this Title, not expressly defined as a crime or
6 as a civil violation and otherwise not punishable by incarceration.

7 The term "traffic infraction" as used in any public or private law of this State or in any
8 rule adopted pursuant to any law of this State has this same meaning and effect.

9 **Sec. 2. 29-A MRSA §2063, sub-§7**, as amended by PL 2007, c. 400, §6, is
10 further amended to read:

11 **7. Penalties.** A person 17 years of age or over who violates this section commits a
12 ~~civil violation~~ traffic infraction for which a fine of not less than \$25 and not more than
13 \$250 may be adjudged. A person under 17 years of age is not subject to a fine under this
14 section.

15 **Sec. 3. 29-A MRSA §2063-B, sub-§3**, as enacted by PL 2007, c. 400, §7, is
16 amended to read:

17 **3. Penalties.** A person 17 years of age or over who violates this section commits a
18 ~~civil violation~~ traffic infraction for which a fine of not less than \$25 and not more than
19 \$250 may be adjudged.

20 **Sec. 4. 29-A MRSA §2082, sub-§7**, as amended by PL 1995, c. 65, Pt. A, §108
21 and affected by §153 and Pt. C, §15, is further amended to read:

22 **7. Placement of stickers on illegally parked vehicles.** A person may not place a
23 sticker or other device on the windshield of a motor vehicle parked in a manner that
24 allegedly constitutes trespass by motor vehicle, as defined in Title 17-A, section 404, if
25 the sticker or other device would obstruct the driver's forward view. A person who places
26 a sticker in violation of this subsection commits a ~~civil violation~~ traffic infraction for
27 which a forfeiture not to exceed \$50 may be adjudged. This subsection does not apply to
28 law enforcement officers engaged in the performance of official duties.

29 **Sec. 5. 29-A MRSA §2326, first ¶**, as repealed and replaced by PL 2007, c. 400,
30 §11, is amended to read:

31 A person who violates section 2323, subsection 1 commits a ~~civil violation~~ traffic
32 infraction.

33 **Sec. 6. 29-A MRSA §2601, sub-§1**, as enacted by PL 1993, c. 683, Pt. A, §2 and
34 affected by Pt. B, §5, is amended to read:

35 **1. Form of Uniform Summons and Complaint.** Every law enforcement agency in
36 this State shall use traffic summonses for civil violations defined in this Title and criminal
37 traffic offenses defined in Title 23, section 1980 or this Title in the form known as the

1 Uniform Summons and Complaint, which must be uniform throughout the State and must
2 be issued in books with summonses in no less than quadruplicate and meeting the
3 requirements of this chapter. The Uniform Summons and Complaint must include, at a
4 minimum, the signature of the officer, a brief description of the alleged offense, the time
5 and place of the alleged offense and the time, place and date the person is to appear in
6 court. The Uniform Summons and Complaint must also include a statement that signing
7 the summons does not constitute an admission or plea of guilty and that refusal to sign
8 after having been ordered to do so by a law enforcement officer is a separate Class E
9 crime. A person to whom a Uniform Summons and Complaint is issued or delivered
10 must give a written promise to appear. The form of the Uniform Summons and
11 Complaint must be approved by the Chief Judge of the District Court prior to its use.

12 **Sec. 7. 29-A MRSA §2601, sub-§8**, as enacted by PL 1993, c. 683, Pt. A, §2 and
13 affected by Pt. B, §5, is amended to read:

14 **8. When a lawful complaint.** If the Uniform Summons and Complaint is duly
15 sworn to as required by law and otherwise legally sufficient in respect to the form of a
16 complaint and to charging commission of the offense alleged in the summons to have
17 been committed, then the summons when filed with a court having jurisdiction constitutes
18 a lawful complaint for the purpose of the commencement of any prosecution of a civil
19 violation under this Title or a misdemeanor or Class D or Class E crime under Title 23,
20 section 1980 or this Title. When filed with the violations bureau, the Violation Summons
21 and Complaint is considered a lawful complaint for the purpose of the commencement of
22 a traffic infraction proceeding.

23 **Sec. 8. 29-A MRSA §2605, sub-§1**, as amended by PL 2005, c. 325, §2, is
24 further amended to read:

25 **1. Suspension by clerk.** If a person fails to appear in court on the date and time
26 specified in response to a Uniform Summons and Complaint, a summons, a condition of
27 bail or order of court for any criminal violation of Title 23, section 1980; a civil violation
28 under Title 28-A, section 2052; a civil violation under this Title; or any criminal
29 provision of this Title, or for any further appearance ordered by the court, including one
30 for the payment of a fine, either in person or by counsel, or fails to pay a fine imposed for
31 a criminal traffic offense, the clerk shall suspend the person's license or permit, the right
32 to operate a motor vehicle in this State and the right to apply for or obtain a license or
33 permit. The court shall immediately notify that person of the suspension by regular mail
34 or personal service. Written notice is sufficient if sent to the person's last known address.

35 If a person who is not an individual fails to appear or pay a fine in a civil violation under
36 this Title or a criminal traffic offense, the clerk shall suspend the registration of the motor
37 vehicle involved in the offense or that person's right to operate that vehicle in the State.

38 SUMMARY

39 This bill clarifies that offenses designated as civil violations in the Maine Revised
40 Statutes, Title 29-A are not traffic infractions and must be charged in a Uniform
41 Summons and Complaint and filed in the appropriate division of the District Court as
42 civil violations. This bill also amends provisions in Title 29-A relating to offenses

1 involving bicycles, toy vehicles, roller skis and placement of stickers on illegally parked
2 vehicles to clarify that these offenses are traffic infractions and not civil violations.