

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 1380

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H.P. 1001

House of Representatives, March 26, 2019

**An Act To Transfer the Violations Bureau from the Courts to the  
Office of the Secretary of State**

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Reference to the Committee on Judiciary suggested and ordered printed.

*Robert B. Hunt*  
ROBERT B. HUNT  
Clerk

Presented by Representative MARTIN of Eagle Lake.

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

2 **PART A**

3 **Sec. A-1. 4 MRSA §159, first ¶**, as amended by PL 1995, c. 560, Pt. I, §14, is  
4 further amended to read:

5 For each division, ~~for the violations bureau~~ and for the office of the Chief Judge, the  
6 Chief Judge shall appoint clerks and deputy clerks as necessary. A clerk of the Superior  
7 Court may also serve as the clerk of the District Court. If the business of any division ~~or~~  
8 ~~the violations bureau~~ does not require the full-time service of a clerk, the Chief Judge  
9 may appoint a part-time clerk for that division ~~or violations bureau~~. Whenever the clerk  
10 is unable to perform the duties of that office or so directs, the deputy has all the power  
11 and performs all the duties of clerk. Whenever a clerk is absent or temporarily unable to  
12 perform the duties as clerk and there is no deputy clerk authorized or available to exercise  
13 the powers and perform the duties of clerk and an existing or immediate session of the  
14 court renders it necessary, the Chief Judge may designate a clerk pro tempore who has the  
15 same powers and duties of the clerk.

16 **Sec. A-2. 4 MRSA §163, sub-§1**, as amended by PL 2015, c. 44, §1, is further  
17 amended to read:

18 **1. District Court funds.** Except as otherwise provided by law, all fines, forfeitures,  
19 surcharges, assessments and fees collected in any division of the District Court or by the  
20 violations bureau under Title 5, section 90-G must be paid to the clerk of that District  
21 Court, who shall deposit them in a special account in a timely manner. Once each month,  
22 the clerk shall remit the sums to the Treasurer of State, who shall credit them to the  
23 General Fund. At the same time, the clerk shall remit the sums that have been collected  
24 in accordance with section 1057; Title 5, chapter 316-A; Title 7, section 3910-A; Title 17,  
25 section 1015; Title 29-A, section 2411, subsection 7; former Title 34-A, section 1210-A,  
26 subsection 9; and Title 34-A, section 1210-B, subsection 6. Funds received by the clerk  
27 as bail in criminal cases must be deposited daily in a special account. The clerk shall  
28 deposit the funds in an interest-bearing account unless the clerk determines that it is not  
29 cost-effective to do so. Interest accrued in the account is the property of and accrues to  
30 the State. The forfeiture and setoff of bail is governed as otherwise provided by law.

31 **Sec. A-3. 4 MRSA §164, sub-§12**, as repealed and replaced by PL 1991, c. 549,  
32 §3 and affected by §17, is repealed.

33 **Sec. A-4. 4 MRSA §1610-G**, as enacted by PL 2013, c. 571, §1, is amended to  
34 read:

35 **§1610-G. Additional securities; judicial branch**

36 Notwithstanding any limitation on the amount of securities that may be issued  
37 pursuant to section 1606, subsection 2, the authority may issue additional securities in an  
38 amount not to exceed \$15,000,000 outstanding at any one time for paying the costs  
39 associated with planning, purchasing, customizing and implementing a case management,

1 data storage and electronic filing system for the Supreme Judicial Court, Superior Court  
2 and District Court, ~~including the violations bureau.~~

3 **Sec. A-5. 5 MRSA §90-G** is enacted to read:

4 **§90-G. Violations bureau**

5 The Secretary of State shall establish and administer the violations bureau. The  
6 violations bureau has jurisdiction over all traffic infractions committed in the State.  
7 Unless otherwise ordered by a court, trial of a traffic infraction must be in the judicial  
8 division of the District Court under Title 4, section 153 in which the alleged infraction  
9 was committed. The Secretary of State shall designate by rule the amount of fines  
10 imposed for traffic infractions. The Maine Rules of Civil Procedure apply in all traffic  
11 infraction proceedings. The clerk of each judicial division of the District Court under  
12 Title 4, section 153 has the authority to accept pleadings and fines on behalf of the  
13 violations bureau. Rules adopted under this section are routine technical rules as defined  
14 by chapter 375, subchapter 2-A.

15 **Sec. A-6. 29-A MRSA §101, sub-§1**, as enacted by PL 1993, c. 683, Pt. A, §2  
16 and affected by Pt. B, §5, is amended to read:

17 **1. Adjudication.** "Adjudication" means a finding by a court that a person has  
18 committed a traffic infraction and includes the acceptance by the ~~clerk of the~~ violations  
19 bureau or any judicial division of an answer of not contested.

20 **Sec. A-7. 29-A MRSA §101, sub-§91-B** is enacted to read:

21 **91-B. Violations bureau.** "Violations bureau" means the violations bureau under  
22 Title 5, section 90-G.

23 **Sec. A-8. 29-A MRSA §113, sub-§2, ¶A**, as enacted by PL 1993, c. 683, Pt. A,  
24 §2 and affected by Pt. B, §5, is amended to read:

25 A. A clerk or deputy clerk of any judicial division of the District Court ~~or the~~  
26 ~~violations bureau~~ for records from a judicial division ~~or the violations bureau~~;

27 **Sec. A-9. 29-A MRSA §404, sub-§2**, as amended by PL 1999, c. 771, Pt. C, §1  
28 and affected by Pt. D, §§1 and 2, is further amended to read:

29 **2. Dismissal.** A person served with a Violation Summons and Complaint charging a  
30 violation of this section may have the complaint dismissed if that person shows  
31 satisfactory evidence that the vehicle was registered at the time of the alleged violation.  
32 ~~The clerk of the District Court~~ violations bureau ~~must~~ shall dismiss the complaint if, prior  
33 to the date required for filing an answer to the complaint, the person charged files with  
34 the bureau a copy of the Violation Summons and Complaint together with satisfactory  
35 evidence that the vehicle was registered at the time of the alleged violation. If a person  
36 files a timely answer to a Violation Summons and Complaint alleging a violation of this  
37 section and that person presents satisfactory evidence to the court at the time of trial  
38 showing that the vehicle was registered at the time of the alleged violation, the court ~~must~~  
39 shall dismiss the complaint.

1           **Sec. A-10. 29-A MRSA §1408, sub-§3**, as amended by PL 1999, c. 771, Pt. C,  
2 §10 and affected by Pt. D, §§1 and 2, is further amended to read:

3           **3. Dismissal.** A person served with a Violation Summons and Complaint charging a  
4 violation of this section may have the complaint dismissed if that person shows  
5 satisfactory evidence that the person held a valid license at the time of the alleged  
6 violation. ~~The clerk of the District Court Violations Bureau must~~ violations bureau shall  
7 dismiss the complaint if, prior to the date required for filing an answer to the complaint,  
8 the person charged files a copy of the Violation Summons and Complaint with the  
9 bureau, together with evidence that the person held a valid license at the time of the  
10 alleged violation. If a person files a timely answer to a Violations Summons and  
11 Complaint alleging a violation of this section and that person presents satisfactory  
12 evidence to the court at the time of trial that the person held a valid license at the time of  
13 the alleged violation, the court ~~must~~ shall dismiss the complaint.

14           **Sec. A-11. 29-A MRSA §1601, sub-§4**, as amended by PL 1999, c. 771, Pt. C,  
15 §11 and affected by Pt. D, §§1 and 2, is further amended to read:

16           **4. Dismissal.** A person served with a Violations Summons and Complaint charging  
17 a violation of this section may have the complaint dismissed if that person shows  
18 satisfactory evidence of liability insurance or financial responsibility that was in effect at  
19 the time of the alleged violation. ~~The clerk of the District Court Violations Bureau must~~  
20 violations bureau shall dismiss the complaint if, prior to the date required for filing an  
21 answer to the complaint, the person charged files a copy of the Violation Summons and  
22 Complaint with the bureau, together with satisfactory evidence of liability insurance or  
23 financial responsibility that was in effect at the time of the alleged violation. If a person  
24 files a timely answer to a Violations Summons and Complaint alleging a violation of this  
25 section and that person presents to the court at the time of trial satisfactory evidence of  
26 liability insurance or financial responsibility that was in effect at the time of the alleged  
27 violation, the court ~~must~~ shall dismiss the complaint.

28           **Sec. A-12. 29-A MRSA §2074, sub-§3-B**, as enacted by PL 1999, c. 308, §1, is  
29 amended to read:

30           **3-B. Fine doubled.** The penalty for a violation of subsection 1, paragraph A is twice  
31 the amount of the fine designated in accordance with ~~Title 4, section 164, subsection 12~~  
32 Title 5, section 90-G for a speeding violation under section 2073 involving a similar  
33 excessive rate of speed.

34           **Sec. A-13. 29-A MRSA §2075, sub-§2**, as amended by PL 1995, c. 151, §1, is  
35 further amended to read:

36           **2. Public ways under construction.** The Commissioner of Transportation may  
37 restrict the speed limit on a public way under construction or during maintenance and the  
38 Executive Director of the Maine Turnpike Authority may restrict the speed limit on any  
39 portion of the turnpike under construction or during maintenance when a lower rate of  
40 speed would minimize the danger of accident. A person may not operate a motor vehicle  
41 in excess of these speeds, as long as notice of the maximum speed has been given by  
42 standard black and white speed limit signs on the way. Signs erected pursuant to this

1 subsection must be covered or removed during hours when the speed limit is not  
2 restricted.

3 The penalty for a violation of this subsection is a fine equal to twice the amount of the  
4 fine designated in accordance with ~~Title 4, section 164, subsection 12~~ Title 5, section  
5 90-G for a similar speeding violation under section 2073.

6 **Sec. A-14. 29-A MRSA §2252, sub-§6**, as enacted by PL 2013, c. 291, §1, is  
7 amended to read:

8 **6. Dismissal.** ~~The clerk of the District Court Violations Bureau or trial court or~~  
9 ~~violations bureau~~ shall dismiss a Violation Summons and Complaint charging a person  
10 with a violation of subsection 2, paragraph D if that person:

11 A. Shows the issuing law enforcement officer satisfactory evidence of liability  
12 insurance or financial responsibility that was in effect at the time of the alleged  
13 violation and the issuing officer notifies the violations bureau of that fact; or

14 B. Files a timely answer to a Violation Summons and Complaint alleging a violation  
15 of subsection 2, paragraph D and that person presents to the court at the time of trial  
16 satisfactory evidence of liability insurance or financial responsibility that was in  
17 effect at the time of the alleged violation.

18 **Sec. A-15. 29-A MRSA §2253, sub-§4**, as enacted by PL 2013, c. 291, §2, is  
19 amended to read:

20 **4. Dismissal.** ~~The clerk of the District Court Violations Bureau or trial court or~~  
21 ~~violations bureau~~ shall dismiss a Violation Summons and Complaint charging a person  
22 with a violation of subsection 2, paragraph D if that person:

23 A. Shows the issuing law enforcement officer satisfactory evidence of liability  
24 insurance or financial responsibility that was in effect at the time of the alleged  
25 violation and the issuing officer notifies the violations bureau of that fact; or

26 B. Files a timely answer to a Violation Summons and Complaint alleging a violation  
27 of subsection 2, paragraph D and that person presents to the court at the time of trial  
28 satisfactory evidence of liability insurance or financial responsibility that was in  
29 effect at the time of the alleged violation.

30 **Sec. A-16. 29-A MRSA §2254, sub-§4**, as enacted by PL 2013, c. 291, §3, is  
31 amended to read:

32 **4. Dismissal.** ~~The clerk of the District Court Violations Bureau or trial court or~~  
33 ~~violations bureau~~ shall dismiss a Violation Summons and Complaint charging a person  
34 with a violation of subsection 2-A if that person:

35 A. Shows the issuing law enforcement officer satisfactory evidence of liability  
36 insurance or financial responsibility that was in effect at the time of the alleged  
37 violation and the issuing officer notifies the violations bureau of that fact; or

38 B. Files a timely answer to a Violation Summons and Complaint alleging a violation  
39 of subsection 2-A and that person presents to the court at the time of trial satisfactory

1 evidence of liability insurance or financial responsibility that was in effect at the time  
2 of the alleged violation.

3 **Sec. A-17. 29-A MRSA §2255, sub-§4**, as enacted by PL 2013, c. 291, §4, is  
4 amended to read:

5 **4. Dismissal.** ~~The clerk of the District Court Violations Bureau~~ or trial court or  
6 violations bureau shall dismiss a Violation Summons and Complaint charging a person  
7 with a violation of subsection 2, paragraph D if that person:

8 A. Shows the issuing law enforcement officer satisfactory evidence of liability  
9 insurance or financial responsibility that was in effect at the time of the alleged  
10 violation and the issuing officer notifies the violations bureau of that fact; or

11 B. Files a timely answer to a Violation Summons and Complaint alleging a violation  
12 of subsection 2, paragraph D and that person presents to the court at the time of trial  
13 satisfactory evidence of liability insurance or financial responsibility that was in  
14 effect at the time of the alleged violation.

15 **Sec. A-18. 29-A MRSA §2601, sub-§8**, as amended by PL 2013, c. 482, §7, is  
16 further amended to read:

17 **8. When a lawful complaint.** If the Uniform Summons and Complaint is duly  
18 sworn to as required by law and otherwise legally sufficient in respect to the form of a  
19 complaint and to charging commission of the offense alleged in the summons to have  
20 been committed, then the summons when filed with a court having jurisdiction constitutes  
21 a lawful complaint for the purpose of the commencement of any prosecution of a civil  
22 violation under this Title or a misdemeanor or Class D or Class E crime under Title 23,  
23 section 1980 or this Title. When filed with the ~~violations bureau~~ District Court under  
24 subsection 9, the Violation Summons and Complaint is considered a lawful complaint for  
25 the purpose of the commencement of a traffic infraction proceeding.

26 **Sec. A-19. 29-A MRSA §2608, 5th ¶**, as enacted by PL 2001, c. 361, §34, is  
27 amended to read:

28 When a court, ~~including the violations bureau~~, is equipped with a computer terminal  
29 or other electronic data processing equipment having the capacity to transmit to and  
30 retrieve from the official motor vehicle records of the Secretary of State, the court may  
31 use the computer terminal or electronic data processing equipment in lieu of sending a  
32 written document to the Secretary of State.

33 **Sec. A-20. Transition provisions.** The following provisions govern the  
34 transition of the violations bureau from the judicial branch to the Office of the Secretary  
35 of State.

36 1. The Office of the Secretary of State, violations bureau is the successor in every  
37 way to the powers, duties and functions of the judicial branch violations bureau.

38 2. All existing rules, regulations and procedures in effect, in operation or adopted in  
39 or by the judicial branch violations bureau or any of its administrative units or officers are

1 hereby declared in effect and continue in effect until rescinded, revised or amended by  
2 the proper authority.

3 3. All existing contracts, agreements and compacts currently in effect in the judicial  
4 branch violations bureau continue in effect.

5 4. Any positions authorized and allocated subject to the personnel laws to the former  
6 judicial branch violations bureau are transferred to the Office of the Secretary of State,  
7 violations bureau and may continue to be authorized.

8 5. All records, property and equipment previously belonging to or allocated for the  
9 use of the former judicial branch violations bureau become, on the effective date of this  
10 Act, part of the property of the Office of the Secretary of State, violations bureau.

11 6. All existing forms, licenses, letterheads and similar items bearing the name of or  
12 referring to the "violations bureau" may be utilized by the Office of the Secretary of  
13 State, violations bureau until existing supplies of those items are exhausted.

14 **Sec. A-21. Effective date.** This Part takes effect September 1, 2020.

## 15 **PART B**

16 **Sec. B-1. Secretary of State to review Maine Revised Statutes and issue**  
17 **recommended legislation; report.** The Secretary of State shall review the Maine  
18 Revised Statutes to identify any amendments to provisions of law needed to carry out the  
19 purposes of this Act. No later than January 15, 2020, the Secretary of State shall submit a  
20 report on the changes found pursuant to the review under this section with recommended  
21 legislation to correct those changes to the Joint Standing Committee on Judiciary. The  
22 committee may report out legislation based upon the report to the Second Regular  
23 Session of the 129th Legislature.

## 24 **SUMMARY**

25 This bill transfers the responsibilities of the violations bureau, which processes traffic  
26 infractions, from the judicial branch to the Office of the Secretary of State.