

# MAINE STATE LEGISLATURE

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Date. 6/5/23 Minority

L D 429  
(Filing No H- 338)

**CRIMINAL JUSTICE AND PUBLIC SAFETY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
131ST LEGISLATURE  
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "B" to H P 262, L D 429, "An Act to Reclassify Certain Offenses Under the Motor Vehicle Laws and Increase the Efficiency of the Criminal Justice System"

Amend the bill by striking out everything after the enacting clause and inserting the following

**Sec. 1. 29-A MRSA §1603, sub-§9**, as enacted by PL 1993, c 683, Pt A, §2 and affected by Pt B, §5, is amended to read

**9. Return license, certificates and plates.** A person whose license or registration has been suspended shall immediately return every license, registration certificate and registration plate issued to that person to the Secretary of State. A person commits a ~~Class E crime~~ traffic infraction if that person, after notice of suspension, fails or refuses to return every license, registration certificate and registration plate

**Sec. 2. 29-A MRSA §1859**, as amended by PL 1995, c 65, Pt A, §104 and affected by §153 and Pt C, §15, is further amended to read

**§1859. Removal of vehicle**

Removal of a vehicle described in section 1851 or of any part or accessory from the vehicle without the written consent of the person in charge or the owner of the premises or property where the vehicle is located is a ~~Class E crime~~ traffic infraction. This section applies to all persons, including the owner of the vehicle

**Sec. 3. 29-A MRSA §2069, sub-§3, ¶B**, as enacted by PL 2015, c 159, §4, is amended to read

B The issuance of a summons for a traffic infraction as described in section 351, 2104, 2412-A, subsection 8 or 2417,

**Sec. 4. 29-A MRSA §2102, sub-§1**, as amended by PL 2009, c 493, §2, is further amended to read

**COMMITTEE AMENDMENT**

1           **1. Display revoked, mutilated, fictitious or fraudulently altered driver's license**  
2 **or identification card.** A person commits a ~~Class E crime~~ traffic infraction if that person  
3 displays a revoked, mutilated, fictitious or fraudulently altered driver's license or  
4 identification card issued or represented to be issued by this State or any other state or  
5 province

6           **Sec. 5. 29-A MRSA §2102, sub-§1-A,** as amended by PL 2009, c 493, §2, is  
7 further amended to read.

8           **1-A. Possess revoked, mutilated, fictitious or fraudulently altered driver's license**  
9 **or identification card.** A person commits a ~~Class E crime~~ traffic infraction if that person  
10 possesses a revoked, mutilated, fictitious or fraudulently altered driver's license or  
11 identification card issued or represented to be issued by this State or any other state or  
12 province

13           **Sec. 6. 29-A MRSA §2102, last ¶,** as amended by PL 2009, c 493, §2, is further  
14 amended to read

15           Violation of subsection ~~1, 1-A, 1-B, 1-D~~ or 3 is a strict liability crime as defined in  
16 Title 17-A, section 34, subsection 4-A

17           **Sec. 7. 29-A MRSA §2104,** as amended by PL 2015, c 176, §5, is further amended  
18 to read:

19           **§2104. Improper plates**

20           **1. Attaching false plates.** A person commits a ~~Class E crime~~ traffic infraction if that  
21 person attaches to a vehicle a registration plate assigned to another vehicle or not currently  
22 assigned to that vehicle

23           **1-A. Permitting attachment of false plates.** A person commits a ~~Class E crime~~ traffic  
24 infraction if that person permits to be attached to a vehicle a registration plate assigned to  
25 another vehicle or not currently assigned to that vehicle

26           **1-B. Permitting display of false registration validation device.** A person commits  
27 a ~~Class E crime~~ traffic infraction if that person permits to be attached or displayed on a  
28 vehicle registration plate a registration validation device issued for another vehicle

29           **2. False identification.** A person commits a ~~Class E crime~~ traffic infraction if that  
30 person obscures identification numbers, identification letters, the state name, validation  
31 sticker or mark distinguishing the type of plate attached to a vehicle

32           **3. Manufacturing or reproduction of plates.** A person commits a Class D crime for  
33 which the sentencing alternative may include only the penalties provided in Title 17-A,  
34 section 1704, subsection 4 and Title 17-A, section 1705, subsection 5 if that person  
35 manufactures or reproduces registration plates without the consent of the Secretary of State.  
36 Violation of this subsection is a strict liability crime as defined in Title 17-A, section 34,  
37 subsection 4-A

38           **4. Alterations to registration plates.** Except when a greater penalty is applicable, a  
39 person commits a traffic infraction if that person adds or attaches to a registration plate a  
40 decal, symbol, slogan, mark, letter or number not authorized by law or by the Secretary of  
41 State

1 ~~5. Strict liability. Violation of subsection 1, 2 or 3 is a strict liability crime as defined~~  
2 ~~in Title 17-A, section 34, subsection 4-A.~~

3 **Sec. 8. 29-A MRS §2412-A, sub-§1-A**, as amended by PL 2009, c 297, §1, is  
4 further amended to read

5 **1-A. Offense; penalty.** A person commits operating while license suspended or  
6 revoked if that person

7 A. Operates a motor vehicle on a public way or in a parking area when that person's  
8 license has been suspended or revoked, and that person

9 (1) Has received written notice of a suspension or revocation from the Secretary  
10 of State or a court,

11 (2) Has been orally informed of the suspension or revocation by a law enforcement  
12 officer or a court,

13 (3) Has actual knowledge of the suspension or revocation,

14 (4) Has been sent written notice in accordance with section 2482 or former Title  
15 29, section 2241, subsection 4, or

16 (5) Has failed to answer or to appear in court pursuant to a notice or order specified  
17 in section 2605 or 2608.

18 Violation of this paragraph is a traffic infraction.

19 B Violates paragraph A and the suspension was for OUI or an OUI offense. Violation  
20 of this paragraph is a Class E crime, which is a strict liability crime as defined in Title  
21 17-A, section 34, subsection 4-A.

22 C Violates paragraph A and the suspension was for OUI or an OUI offense, the person  
23 was subject to the mandatory minimum sentence and the person:

24 (1) Has one prior conviction for violating this section,

25 (2) Has 2 prior convictions for violating this section, or

26 (3) Has 3 or more prior convictions for violating this section, or.

27 Violation of this paragraph is a Class E crime, which is a strict liability crime as defined  
28 in Title 17-A, section 34, subsection 4-A.

29 D Violates paragraph A, the suspension was not for OUI or an OUI offense and the  
30 person has one or more prior convictions for violating this section. Violation of this  
31 paragraph is a Class E crime, which is a strict liability crime as defined in Title 17-A,  
32 section 34, subsection 4-A.

33 E Violates paragraph A and the suspension was pursuant to section 2413-A,  
34 subsection 3. Violation of this paragraph is a Class E crime, which is a strict liability  
35 crime as defined in Title 17-A, section 34, subsection 4-A.

36 F. Violates paragraph A and the revocation was pursuant to section 2454, subsection  
37 1 or 2. Violation of this paragraph is a Class E crime, which is a strict liability crime  
38 as defined in Title 17-A, section 34, subsection 4-A.

1 G Violates paragraph A and the suspension was pursuant to section 2458, subsection  
2 2-A Violation of this paragraph is a Class E crime, which is a strict liability crime as  
3 defined in Title 17-A, section 34, subsection 4-A;

4 H Violates paragraph A and the revocation was pursuant to section 2463, subsection  
5 1 Violation of this paragraph is a Class E crime, which is a strict liability crime as  
6 defined in Title 17-A, section 34, subsection 4-A, or

7 I Violates paragraph A and the suspension was pursuant to section 2464, subsection  
8 4 Violation of this paragraph is a Class E crime, which is a strict liability crime as  
9 defined in Title 17-A, section 34, subsection 4-A

10 ~~Except for an offense under subsection 8 or as otherwise provided, operating while license~~  
11 ~~suspended or revoked is a Class E crime, which is a strict liability crime as defined in Title~~  
12 ~~17-A, section 34, subsection 4-A~~

13 **Sec. 9. 29-A MRSA §2412-A, sub-§8**, as amended by PL 2009, c 493, §3, is  
14 repealed

15 **Sec. 10. 29-A MRSA §2417**, as enacted by PL 1993, c 683, Pt A, §2 and affected  
16 by Pt B, §5, is amended to read

17 **§2417. Suspended registration**

18 A person commits a ~~Class E offense~~ traffic infraction if that person operates or permits  
19 another to operate a vehicle when the registration of that vehicle is suspended or revoked

20 **Sec. 11. 29-A MRSA §2551-A, sub-§1, ¶A**, as amended by PL 2013, c 381, Pt  
21 B, §30, is further amended by amending subparagraph (4) to read

22 (4) Operating after suspension or revocation, in violation of section 2412-A,  
23 subsection 1-A, paragraph B, C, D, E, F, G, H or I;

24 **Sec. 12. 29-A MRSA §2551-A, sub-§3, ¶D**, as enacted by PL 2009, c 297, §3, is  
25 amended to read

26 D An adjudication for the traffic infraction of operating after suspension under section  
27 2412-A, subsection 8 1-A, paragraph A

28 **Sec. 13. Appropriations and allocations.** The following appropriations and  
29 allocations are made

30 **JUDICIAL DEPARTMENT**

31 **Courts - Supreme, Superior and District 0063**

32 Initiative. Provides one-time funding for computer programming costs to update  
33 classifications of offenses

|                        |                |                |
|------------------------|----------------|----------------|
| 34 <b>GENERAL FUND</b> | <b>2023-24</b> | <b>2024-25</b> |
| 35 All Other           | \$1,500        | \$0            |
| 36                     |                |                |
| 37 GENERAL FUND TOTAL  | \$1,500        | \$0            |

38 **Sec. 14. Effective date.** This Act takes effect January 1, 2024 '

39 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
40 number to read consecutively.

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**SUMMARY**

This amendment is the minority report of the committee. The amendment makes the following changes to the bill.

It adds operating or permitting another to operate a vehicle when the registration is suspended or revoked to the list of reasons a law enforcement officer may tow a vehicle.

It adds the following underlying reasons for which a license was suspended to the list of operating after suspension violations that result in Class E crimes: motor vehicle violation resulting in death, homicide as a result of the operation of a motor vehicle, negligent operation causing the death of another person, conviction of assault, aggravated assault, elevated aggravated assault, criminal threatening, reckless conduct or an attempt thereat as a result of the operation of a motor vehicle in such a manner to cause serious bodily injury, risk of bodily injury or placing another person in fear of bodily injury, and causing serious injury or death while a license is suspended or revoked. It also incorporates these changes into the habitual offender laws within the Maine Revised Statutes, Title 29-A.

The amendment also removes provisions in the bill that would have made evidence obtained pursuant to an unlawful search and seizure inadmissible in a civil violation, and that would have allowed a law enforcement officer who has probable cause to believe a violation of law has taken place or is taking place to apply for a search warrant.

**FISCAL NOTE REQUIRED**  
(See attached)



# 131st MAINE LEGISLATURE

LD 429

LR 495(03)

## An Act to Reclassify Certain Offenses Under the Motor Vehicle Laws and Increase the Efficiency of the Criminal Justice System

Fiscal Note for Bill as Amended by Committee Amendment *B*(H-338)  
Committee: Criminal Justice and Public Safety  
Fiscal Note Required: Yes

### Fiscal Note

|                                   | FY 2023-24 | FY 2024-25 | Projections<br>FY 2025-26 | Projections<br>FY 2026-27 |
|-----------------------------------|------------|------------|---------------------------|---------------------------|
| <b>Net Cost (Savings)</b>         |            |            |                           |                           |
| General Fund                      | \$1,500    | \$0        | \$0                       | \$0                       |
| <b>Appropriations/Allocations</b> |            |            |                           |                           |
| General Fund                      | \$1,500    | \$0        | \$0                       | \$0                       |

#### Fiscal Detail and Notes

The bill includes a one-time General Fund appropriation to the Judicial Department of \$1,500 in fiscal year 2023-24 for computer programming costs to update the classification of offenses