

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 429

H.P. 262

House of Representatives, February 2, 2023

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

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative PLUECKER of Warren.
Cosponsored by Senator BEEBE-CENTER of Knox and
Representatives: NEWMAN of Belgrade, NUTTING of Oakland, SALISBURY of Westbrook,
WARREN of Scarborough, Senator: BRAKEY of Androscoggin.

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

2 **PART A**

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

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

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

12 **§1859. Removal of vehicle**

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

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

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

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

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

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

30 **1-A. Possess revoked, mutilated, fictitious or fraudulently altered driver's license**
31 **or identification card.** A person commits a ~~Class E-crime~~ traffic infraction if that person
32 possesses a revoked, ~~mutilated~~, fictitious or fraudulently altered driver's license or
33 identification card issued or represented to be issued by this State or any other state or
34 province.

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

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

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

1 **§2104. Improper plates**

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

5 **1-A. Permitting attachment of false plates.** A person commits a ~~Class E crime~~ traffic
6 infraction if that person permits to be attached to a vehicle a registration plate assigned to
7 another vehicle or not currently assigned to that vehicle.

8 **1-B. Permitting display of false registration validation device.** A person commits
9 a ~~Class E crime~~ traffic infraction if that person permits to be attached or displayed on a
10 vehicle registration plate a registration validation device issued for another vehicle.

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

14 **3. Manufacturing or reproduction of plates.** A person commits a Class D crime for
15 which a fine may be imposed and a term of imprisonment may not be imposed if that person
16 manufactures or reproduces registration plates without the consent of the Secretary of State.
17 Violation of this subsection is a strict liability crime as defined in Title 17-A, section 34,
18 subsection 4-A.

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

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

25 **Sec. A-8. 29-A MRSA §2412-A, sub-§1-A, ¶A,** as enacted by PL 2003, c. 452,
26 Pt. Q, §85 and affected by Pt. X, §2, is amended by amending subparagraph (5) to read:

27 (5) Has failed to answer or to appear in court pursuant to a notice or order specified
28 in section 2605 or 2608;

29 **Sec. A-9. 29-A MRSA §2412-A, sub-§1-A, ¶A,** as enacted by PL 2003, c. 452,
30 Pt. Q, §85 and affected by Pt. X, §2, is amended by enacting at the end a new first blocked
31 paragraph to read:

32 A violation of this paragraph is a traffic infraction;

33 **Sec. A-10. 29-A MRSA §2412-A, sub-§1-A,** as amended by PL 2009, c. 297, §1,
34 is further amended by amending the first blocked paragraph to read:

35 Except for ~~an offense under subsection 8 or as otherwise provided~~ a violation of paragraph
36 A, operating while license suspended or revoked is a Class E crime, which is a strict liability
37 crime as defined in Title 17-A, section 34, subsection 4-A, and is punishable pursuant to
38 subsection 3.

39 **Sec. A-11. 29-A MRSA §2412-A, sub-§8,** as amended by PL 2009, c. 493, §3, is
40 repealed.

1 **Sec. A-12. 29-A MRSA §2417**, as enacted by PL 1993, c. 683, Pt. A, §2 and
2 affected by Pt. B, §5, is amended to read:

3 **§2417. Suspended registration**

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

6 **Sec. A-13. 29-A MRSA §2551-A, sub-§1, ¶A**, as amended by PL 2013, c. 381,
7 Pt. B, §30, is further amended by amending subparagraph (4) to read:

8 (4) Operating after suspension or revocation, in violation of section 2412-A,
9 subsection 1-A, paragraph B, C or D;

10 **Sec. A-14. 29-A MRSA §2551-A, sub-§3, ¶D**, as enacted by PL 2009, c. 297, §3,
11 is amended to read:

12 D. An adjudication for the traffic infraction of operating after suspension under section
13 2412-A, subsection ~~8~~ 1-A, paragraph A.

14 **PART B**

15 **Sec. B-1. 17-A MRSA §4-B, sub-§4**, as enacted by PL 1985, c. 282, §3, is amended
16 to read:

17 4. Evidence obtained pursuant to an unlawful search and seizure ~~shall~~ is not be
18 admissible in a civil violation proceeding arising under Title 22, section 2383.

19 **Sec. B-2. 17-A MRSA §4-B, sub-§5** is enacted to read:

20 5. A law enforcement officer who has probable cause to believe that a violation of law
21 has taken place or is taking place may make application for a search warrant in accordance
22 with the applicable Maine Rules of Civil Procedure or Maine Rules of Unified Criminal
23 Procedure.

24 **PART C**

25 **Sec. C-1. Effective date.** This Act takes effect January 1, 2024.

26 **SUMMARY**

27 Part A amends certain Maine motor vehicle laws in the Maine Revised Statutes, Title
28 29-A, limiting the sentence for the crime of manufacturing or reproducing registration
29 plates without the consent of the Secretary of State to a fine and changing some crimes to
30 traffic infractions. Crimes reduced to traffic infractions include certain violations of laws
31 related to:

- 32 1. Motor vehicle registration certificates and plates and driver's licenses;
- 33 2. Removal of a vehicle without the consent of the owner or person in charge of the
34 property where the vehicle is located;
- 35 3. Unlawful ownership or display of a revoked, fictitious or fraudulently altered
36 driver's license or identification card;
- 37 4. Unlawful use of a driver's license or an identification card;
- 38 5. Improper use of registration plates; and

1 6. Operating a motor vehicle while license or registration is suspended or revoked.
2 Part B amends the Maine Criminal Code provision governing civil violations to
3 explicitly provide that evidence obtained pursuant to an unlawful search and seizure is not
4 admissible in any civil violation proceeding, not just those arising from cannabis possession
5 by a person under 21 years of age or possession of butyl nitrite or isobutyl nitrite, and to
6 permit a law enforcement officer who has probable cause to believe that a violation of the
7 law has taken place or is taking place to make application for a search warrant.
8 Part C establishes an effective date of January 1, 2024.