

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Fifth Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with
the Revised Statutes of 1964, Title 3 Section 164, Subsection 6.

THE KNOWLTON AND MCLEARY COMPANY
FARMINGTON, MAINE
1971

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Fifth Legislature
1971

1. Tolerance of 25%; how determined. Any person, firm or corporation may take, sell, purchase, process, ship, transport or have possession of herring which are between 4½ and 7 inches in length when they are mixed with herring of greater length, provided the herring between 4½ and 7 inches in length comprise less than 25% of the entire lot.

A. The tolerance of 25% is determined by volume of ½ bushel of herring for each 30 hogsheads of herring, or fraction thereof, taken at random from various parts of the lot.

Effective September 23, 1971

Chapter 291

AN ACT Relating to Bail or Personal Recognizance for Misdemeanors.

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

R. S., T. 14, § 5544, amended. Section 5544 of Title 14 of the Revised Statutes is amended by adding at the end the following new paragraphs:

Any arresting officer may either take any person under arrest for a misdemeanor, excepting persons arrested for violation of Title 17, section 2001, before a bail commissioner, who shall inquire into the charge and pertinent circumstances and admit him to bail if proper, or without fee may take the personal recognizance of any person for his appearance on a misdemeanor charge.

Any person who has been arrested and bailed shall be issued a written summons to appear in court and such person shall give a written promise to the arresting officer or bail commissioner to so appear. It shall be unlawful for any person to violate his written promise to appear in court, either by himself or his attorney. Any person who violates this section shall be punished by a fine of not more than \$500 or by imprisonment for not more than 6 months, or by both.

Effective September 23, 1971

Chapter 292

AN ACT Relating to Suspension of Motor Vehicle Operator's License and Registration.

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

Sec. 1. R. S., T. 29, § 224I, amended. The first paragraph of section 224I of Title 29 of the Revised Statutes is repealed and the following enacted in place thereof:

1. Suspension. The Secretary of State or any Deputy Secretary of State may suspend any certificate of registration or any license issued to any person to operate a motor vehicle or right to operate a motor vehicle or right to obtain an operator's license after hearing for any cause which he deems sufficient. He is also authorized to suspend any certificate of registration or any license issued to any person to operate a motor vehicle and privilege to operate a motor vehicle without preliminary hearing upon showing by his records or other sufficient evidence that the driver:

- A. Has committed an offense for which mandatory suspension or revocation of license is required upon conviction;
- B. Has been convicted with such frequency of serious offenses against traffic regulations governing the movement of vehicles as to indicate a disrespect for traffic laws and disregard for the safety of other persons on the highways;
- C. Is an habitually reckless or negligent driver of a motor vehicle, such fact being established by the point system, by a record of accidents or by other evidence;
- D. Is incompetent to drive a motor vehicle;
- E. Has permitted an unlawful or fraudulent use of such license;
- F. Has committed an offense in another state which, if committed in this State, would be grounds for suspension or revocation;
- G. Has been convicted of failing to stop for a police officer; or
- H. Has been convicted of reckless driving or driving to endanger.

2. Regulations. For the purpose of identifying habitually reckless or negligent drivers and habitual or frequent violators of traffic regulations governing the movement of vehicles, the Secretary of State shall adopt regulations establishing a uniform system of assigning demerit points for convictions of violations regulating the operation of motor vehicles. The regulations shall include a designated level of point accumulation which so identifies drivers. The Secretary of State may assess points for convictions in other states of offenses which, if committed in this State, would be grounds for such assessment. Notice of assessment of points shall be given when the point accumulation reaches 50% of the number at which suspension is authorized. No points shall be assessed for violating a provision of this Title or municipal ordinance regulating standing, parking, equipment, size or weight.

3. Hearing. Upon suspending the license of any person without preliminary hearing as provided in this section, the Secretary of State shall immediately notify the driver in writing and upon his request, shall afford him opportunity for a hearing as early as practicable after receipt of such request. Upon such hearing, the Secretary of State shall either rescind his order of suspension or, for good cause, may continue, modify or extend the suspension of such license and privilege to operate motor vehicles.

Sec. 2. R. S., T. 29, §§ 2241-A, 2241-B, and 2241-C, additional. Title 29 of the Revised Statutes is amended by adding three new sections 2241-A, 2241-B and 2241-C, to read as follows:

§ 2241-A. Secretary of State may require reexamination

The Secretary of State, having good cause to believe that a licensed driver is incompetent or otherwise not qualified to be licensed, may upon written notice of at least 5 days to the licensee require him to submit to an examination. Upon the conclusion of such examination, the Secretary of State shall take action as may be appropriate and may suspend the license of such person or permit him to retain such license, or may issue a license subject to restrictions as to the type or class of vehicles that may be driven. Refusal or neglect of the licensee to submit to such examination shall be grounds for suspension of his license.

§ 2241-B. Surrender and return of license

The Secretary of State, upon suspending or revoking a license, shall require that such license be surrendered to him.

Any person whose license has been suspended or revoked shall immediately return his license to the Secretary of State.

§ 2241-C. No operation under foreign license during suspension or revocation in this State.

Any resident or nonresident, whose driver's license or privilege to operate a motor vehicle in this State has been suspended or revoked as provided in this Title, shall not operate a motor vehicle in this State under a license or permit issued by any other jurisdiction during such suspension or revocation.

Effective September 23, 1971

Chapter 293

AN ACT Relating to Permits for Carrying Concealed Weapons.

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

R. S., T. 25, § 2031, amended. Section 2031 of Title 25 of the Revised Statutes, as amended by chapter 368 of the public laws of 1967, is further amended by adding a new paragraph to read as follows:

Any certificate issued pursuant to this section shall be valid throughout the State of Maine.

Effective September 23, 1971