

# MAINE STATE LEGISLATURE

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OCTOBER 1975

**ALERT****CRIMINAL DIVISION**FROM THE OFFICE OF  
THE ATTORNEY GENERAL  
OF THE STATE OF MAINE**MESSAGE FROM THE  
ATTORNEY GENERAL  
JOSEPH E. BRENNAN**

The Attorney General's Office and the Criminal Law Revision Commission have jointly received a grant from the Maine Criminal Justice Planning and Assistance Agency to educate all criminal justice personnel on the Maine Criminal Code. Stephen Diamond, a former prosecutor with the Alcohol Safety Action Program and a former law school instructor, has been hired as an Assistant Attorney General to carry out the project. Plans are now being formulated to hold classes throughout the state on the new code. All law enforcement agencies will be kept informed as the program develops.

As part of the Criminal Code Education Project, the Attorney General's Office has obtained enough copies of the Maine Criminal Code for every full-time law enforcement officer in Maine. Law enforcement agencies that have not yet received their copies of the Code should contact the Law Enforcement Education Section at 289-2146. The Codes will be an integral part of the upcoming educational program.

**JOSEPH E. BRENNAN**  
Attorney General

**THE NEW MAINE TRAFFIC LAW**

The regular session of the 107th Maine Legislature passed a law significantly changing Maine's motor vehicle laws. The new law is "AN ACT to Implement the Recommendations of the Maine Traffic Court Advisory Committee," and it can be found in Chapter 430 of the Public Laws of 1975. The law went into effect on October 1, 1975.

The new traffic law accomplishes two far-reaching changes in Maine's traffic laws, both of which affect law enforcement officers in Maine. First of all, many motor vehicle violations, formerly crimes, have been decriminalized and reclassified as "traffic infractions." Secondly, after October 1, 1975, all law enforcement agencies in the state must use traffic citations in the form known as the Uniform Traffic Ticket and Complaint. (The Uniform Traffic Ticket and Complaint will be referred to throughout this article simply as the ticket/complaint.) This article will discuss traffic infractions, the Uniform Traffic Ticket and Complaint, and other aspects of the new traffic law, including enforcement guidelines for the law enforcement officer.

Sections of Chapter 430 of the 1975 Public Laws (P.L. 1975, c. 430) will be quoted throughout this article, but it will not be necessary to have a copy of Chapter 430 to understand the article. Nevertheless, officers may obtain copies of Chapter 430 by writing or calling the Law Enforcement Education Section.

**TRAFFIC INFRACTIONS**

29 M.R.S.A. §1, sub-§17-C Traffic infraction. "Traffic infraction" shall mean any violation of any provision of this Title, or of any rules or regulations established thereunder, not expressly defined as a felony or misdemeanor, and otherwise not punishable by incarceration or by a fine of more than \$500. A traffic infraction is not a crime and the penalty therefor shall not be deemed for any purpose a penal or criminal punishment. There shall be no right to trial by jury for a traffic infraction. (P.L. 1975, c. 430, §28)

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This statutory definition of a traffic infraction may be somewhat confusing and cumbersome to apply. An officer attempting to determine whether a certain traffic violation is an infraction or not must first read the statute which sets out the violation. Then the officer must check to see if the provisions of the statute have been changed, because many motor vehicle statutes were amended by the 107th Legislature. If the violation has been designated neither a felony nor a misdemeanor and if the offense is punishable neither by incarceration nor by a fine of more than \$500, the violation is a traffic infraction.

Since this procedure is not only time consuming, but also very susceptible to error, a convenient list of all Maine motor vehicle violations, together with a designation of each violation as a traffic infraction, a misdemeanor, or a felony, is included with this issue of ALERT. The list is entitled "Maine Motor Vehicle Offenses and Infractions" and is discussed later in the article.

As indicated in the definition set out above, a traffic infraction is not a crime and any penalty imposed is not considered to be a criminal punishment. In addition, an adjudication for a violation constituting a traffic infraction is not a criminal record against the person so adjudicated. (P.L. 1975, c. 430, §19) (The term "adjudicate" is used in reference to traffic infractions instead of the term "convict" because of the non-criminal nature of traffic infractions.) A person who is acquitted of a traffic infraction is entitled to the expungement of any records made in connection with such a charge. (P.L. 1975, c. 430, §23). Also a person charged with committing a traffic infraction cannot be compelled to testify in the action against him (P.L. 1975, c. 430, §22) and he has no right to a trial by jury. (P.L. 1975, c. 430, §28)

The District Court has original and exclusive jurisdiction over all prosecutions for traffic infractions. This simply means that the District Court has the authority to try traffic infraction proceedings and it is the *only* court with this authority. Thus traffic infraction proceedings cannot be tried in the Superior Court, nor can they be transferred or removed to the Superior Court. The District Court has original and concurrent jurisdiction with the Superior Court over all prosecutions for violations of Title 29 that are not traffic infractions. This means that both the District Court and the Superior Court have the authority to try motor vehicle violation cases which involve misdemeanors or felonies. The juvenile court has no jurisdiction over traffic infractions.

The reason for the reclassification of many motor vehicle violations as traffic infractions is to avoid the delay and waste of manpower which resulted under the previous law. Because many defendants in traffic cases in District Court transferred the proceedings to Superior Court, personnel in both court systems had to deal with the same cases. By taking away the right to jury trial and by giving original and exclusive jurisdiction over traffic infractions to the District Court, this problem is solved.

Furthermore, a large number of motor vehicle offenses do not involve a high risk of harm to others or damage to property. By taking away imprisonment as a possible penalty for violations of these offenses, the overcrowded facilities of the county jails can be utilized for persons convicted of more serious offenses. Also, the removal of imprisonment as a possible penalty does away with the requirement of court-appointed counsel for indigents. *Argersinger v. Hamlin*, 407 U.S. 25, 92 S.Ct. 2006, 32 L.Ed. 2d 530 (1972). The reclassification of minor traffic

violations as traffic infractions, therefore, goes a long way toward streamlining procedures in Maine's District and Superior Courts.

## UNIFORM TRAFFIC TICKET AND COMPLAINT

Under the new traffic law, every law enforcement agency in the state must use the Uniform Traffic Ticket and Complaint for all motor vehicle violations. (P.L. 1975, c. 430, §54). Of course, the ticket/complaint would rarely be used for motor vehicle violations which are felonies, because the standard procedure for initiating proceedings in felony cases is the arrest. The Uniform Traffic Ticket and Complaint is to be used exclusively for motor vehicle offenses and is not to be used for any other violations of law, whether civil or criminal.

All officers with traffic responsibilities should have received books of Uniform Traffic Tickets and Complaints on October 1, 1975, when the new traffic law went into effect. The ticket/complaints are identical throughout the state, are numbered consecutively, and are issued in books of 25, each ticket/complaint consisting of five copies. The District Court is responsible for the distribution of the books of Uniform Traffic Tickets and Complaints, and the chief executive officer of each law enforcement agency is responsible for the further issuance of the books to individual law enforcement officers and for their proper disposition. Each law enforcement officer is in turn responsible for the ticket/complaints issued to him.

The front side of each of the five copies of the ticket/complaint is the same. It looks like this:

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UNIFORM TRAFFIC TICKET AND COMPLAINT NO. 062426  
 STATE OF MAINE DISTRICT COURT  
 DISTRICT DOCKET NO.  
 DIVISION

THE UNDERSIGNED, BEING DULY SWORN,  
 UPON HIS OATH DISPOSES AND SAYS:

NAME \_\_\_\_\_  
 Last First Middle  
 DRIVER ADDRESS \_\_\_\_\_  
 Street  
 City/Town \_\_\_\_\_

OWNER'S NAME \_\_\_\_\_  
 OWNER ADDRESS \_\_\_\_\_

SEX	HT	WT	HAIR	EYES	BIRTH DATE	AGE	DATE
OPR. LIC. NO.	STATE	REGISTRATION NO.	STATE	UPON A PUBLIC HIGHWAY OR IN ANY OTHER PLACE (LOCATION)			
DATE OF VIOLATION	MO.	DAY	YR.	MILITARY TIME	CITY/TOWN		
LOCATION OF VIOLATION	RT/ST	SPEED		MPH	POSTED	RAДАР	
ALLEGED SPEED	MPH	LIMIT	MPH	Yes No	Yes No	Yes No	

NAME OF OFFENSE/INFRACTION \_\_\_\_\_  
 TITLE \_\_\_\_\_ SECTION \_\_\_\_\_  
 VIOLATION \_\_\_\_\_

ISSUING OFFICER'S SIGNATURE \_\_\_\_\_  
 DEPT. \_\_\_\_\_ TROOP \_\_\_\_\_ CODE \_\_\_\_\_

The undersigned further states that he has just and reasonable grounds to believe, and does believe, that the person named above committed the offense/infraction herein set forth, contrary to law.

SWORN TO AND SIGNED BY ME \_\_\_\_\_  
 SUBSCRIBED BEFORE ME \_\_\_\_\_ DEPARTMENT \_\_\_\_\_  
 THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 19 \_\_\_\_\_

Clerk of Court, District Judge, Complaint Justice, Justice of Peace

YOU ARE HEREBY NOTIFIED TO APPEAR BEFORE THE DISTRICT COURT

AT \_\_\_\_\_  
 ON \_\_\_\_\_ DATE \_\_\_\_\_ TIME \_\_\_\_\_  
 COURT TELEPHONE NO. \_\_\_\_\_

I PROMISE TO APPEAR IN SAID COURT AT SAID TIME AND PLACE

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

JUDGMENT: CIRCLE APPROPRIATE NUMBER OR NUMBERS  
 1. GUILTY 2. NOT GUILTY 3. APPEALED 4. PROBATION 5. CONTINUED 6. FILED 7. DISMISSED 8. FORFEITED BAIL 9. TRANS. 10. OTHER

FINE AMT. \_\_\_\_\_ PAID  YES  NO

SUMMONS

that the ticket/complaint contain the name of the defendant; the time and place of the alleged infraction; a brief description of the infraction; the time, place, and date the defendant is to appear in court; and the signature of the officer issuing the ticket/complaint.

We turn now to some suggestions for filling in specific parts of the Uniform Traffic Ticket and Complaint. The *DOCKET NO.* space at the top of the ticket should be left blank; it will be filled in by the court. On the line beginning *NAME OF OFFENSE/INFRACTION*, the officer should cross out either "offense" or "infraction," whichever is inapplicable, and he should give a very brief (two or three word) description of the offense or infraction, e.g., "Speeding," "Stop Sign," "Obstructing Traffic." On the next line, the title and section numbers of the offense or infraction must be included. This information can be found on the sheet entitled "Maine Motor Vehicle Offenses and infractions," accompanying this issue of ALERT.

In the *VIOLATION* space, the officer should describe the violation as briefly and completely as possible. According to the Advisory Committee Notes to Rule 80F of the District Court Civil Rules, promulgated on September 25, 1975:

"The description of the *infraction* need not be in the detail required in a criminal complaint. It should be sufficient merely to advise the defendant of the time, place, and nature of the infraction." (Emphasis supplied)

Therefore, *infraction* violations need not be described in as great detail as misdemeanor violations. Suggested wording for each infraction can be found in the list entitled "Maine Motor Vehicle Offenses and Infractions" accompanying this ALERT. It should be noted that the suggested wordings given in the list are only suggestions, and *have not been tested for their legal sufficiency by the courts.* Neverthe-

less, under new Rule 80F (c) of the Maine District Court Civil Rules, "motions for appropriate amendment of the complaint shall be freely granted." Therefore, any major problems regarding sufficiency of the complaint in infraction proceedings should be able to be solved by the amendment procedure.

The courts will look much more closely at the adequacy of the wording on the ticket/complaint when a misdemeanor is charged than when an infraction is charged. Therefore, for misdemeanor offenses, the officer should describe the essential facts of the offense charged in detail, following the procedure that was used before the new traffic law was passed. In some cases, a separate complaint may have to be filed with the Uniform Traffic Ticket and Complaint to ensure that the offense is adequately charged.

In the spaces for *DEPT.*, *TROOP*, and *CODE*, the officer should fill in only the spaces that apply. The *TROOP* and *CODE* spaces were included for the benefit of the State Police and need not be filled in by other officers if not applicable.

The next section, beginning with *The undersigned further states . . .*, should not be filled in at the time the officer writes the ticket/complaint, but should be signed and sworn to in court. The officer signing may be either the officer who issued the ticket/complaint or the court officer.

In the section beginning *YOU ARE HEREBY NOTIFIED . . .*, the officer should fill in the name, address, and phone number of the District Court and the time when the defendant should appear. By including the phone number, the officer may avoid phone calls to himself from defendants requesting information. The District Court

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It is printed on self-carboning paper so that by writing on the top copy, the information is automatically transferred to the four copies below. Officers should use a fine point ball point pen and press down when writing tickets so that the information will appear legibly on all five copies of the ticket.

**Writing the Ticket**

Officers should have no trouble filling in the requested information on the Uniform Traffic Ticket and Complaint. In general, the officer should fill in every space on the ticket unless the information requested is not applicable to the case or is to be filled out at a later time. Since the Uniform Traffic Ticket and Complaint serves as the complaint, all necessary information must be provided, or the complaint may not be adequate to charge the offense or infraction alleged. It is absolutely essential





than \$50 nor more than \$500 or by imprisonment for not more than 90 days, or by both.

Both of these offenses need to be discussed briefly.

Officers should not arrest or issue a ticket/complaint for violations of 29 M.R.S.A. §2303-A until a person has been *adjudged* to have committed three or more traffic infractions within a 12 month period. The mere commission of a third infraction does not subject a person to the provisions of §2303-A until he has actually been adjudged to have committed the third infraction. Once this adjudication has been made, the proper procedure for the law enforcement officer is to issue a separate ticket/complaint charging a violation of §2302-A.

The officer writing a ticket/complaint for a violation of 29 M.R.S.A. §2302-B should write that title and section number in the proper space on the ticket/complaint and should cross out the word infraction on the ticket/complaint. In the *VIOLATION* space, the officer should include a description of the infraction, the title and section of the infraction, and a statement that the infraction resulted in personal injury or property damage. For example, if a person failed to stop for a stop sign and his vehicle collided with another vehicle, the *VIOLATION* space in the ticket/complaint should read: "Failure to stop at stop sign (29 M.R.S.A. §949) resulting in collision causing damage to another vehicle."

It should be noted that violations of parking ordinances, pedestrian ordinances, and ordinances regulating vehicles for hire are traffic infractions under the new traffic law. (P.L. 1975, c. 430, §§64,69,70,71,72) This does not mean that officers must issue a Uniform Traffic Ticket and Complaint for every parking violation. The Advisory Committee Notes to

District Court Civil Rule 80F state that "the ordinary means of serving a parking ticket by attaching it to the offending vehicle remains adequate for the municipal fee and waiver system . . ." Therefore, municipalities may continue to use their present parking ticket forms. If a municipality wishes to take court action upon a parking infraction, however, it must cause a Uniform Traffic Ticket and Complaint to be filled out and properly served on the defendant.

Outside of the ordinance violations mentioned in the previous paragraph, there is only one traffic infraction which is not included in Title 29 of the Maine Revised Statutes—Illegal Transportation of Liquor by Minors (28 M.R.S.A. §1001). The 107th Legislature specifically designated this violation a traffic infraction. (P.L. 1975, c. 430, §25) The sole and exclusive penalty for a violation of 28 M.R.S.A. §1001, however, remains suspension of the operator's license as set out in 28 M.R.S.A. §1002.

## **TRAFFIC INFRACTION PROCEEDINGS**

### **Commencement of Proceedings**

The legislature clearly intended that law enforcement officers have the authority to make custodial arrests for traffic infractions both pursuant to and without warrant. P.L. 1975, c. 430, §§7,9,12,13,23,66,67,73,74; 25 M.R.S.A. §1502; 29 M.R.S.A. §2301. Nevertheless, there are serious questions about the constitutionality of arrests for traffic infractions in light of the non-criminal nature of traffic infractions. It is likely that the Maine Supreme Judicial Court would rule that a custodial arrest for a traffic infraction would infringe an individual's constitutional rights under either the Fourth Amendment of the U.S. Constitution or Article 1 §5 of the Maine Constitution, or under the due process clauses of the United

States and Maine Constitutions. Therefore, the Attorney General's Office has issued an opinion that, until the Maine Law Court has decided the constitutional issues raised by the new traffic law, law enforcement officers should not make arrests for traffic infractions. Of course, if the person who has committed the traffic infraction has committed a felony, or is committing a felony or misdemeanor in the officer's presence, the officer may make a custodial arrest for that felony or misdemeanor.

If a person committing a traffic infraction has not also committed an arrestable offense, however, there is only one way in which traffic infraction proceedings can be initiated. Rule 80F (b) of the Maine District Court Civil Rules provides:

"(b) Commencement of Proceeding. A proceeding under this rule shall be commenced by any officer authorized to enforce the motor vehicle laws of this state who has probable cause to believe that a traffic infraction has been committed. Said officer shall not take the defendant into custody but shall deliver to the defendant personally a copy of the Uniform Traffic Ticket and Complaint."

It should be emphasized that an officer may issue a Uniform Traffic Ticket and Complaint to a defendant when he has *probable cause* to believe that a traffic infraction has been committed. The infraction does not have to be "committed in the officer's presence" in order for the officer to take action as it was under the old law when most traffic violations were misdemeanors. Guidelines for determining when probable cause exists can be found in the December 1972, January 1973, and February 1973 ALERTs or in Section II-C of the Law Enforcement Officer's Manual. Officers

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may arrest for motor vehicle violations which are still misdemeanors, however, only if the violation is committed in the officer's presence.

Also, the law enforcement officer must deliver the copy of the ticket/complaint to the defendant *personally*. This in-hand service is the only method provided by Rule 80F (b), and any substitute or constructive service such as mailing or publication in a newspaper will not be adequate to commence proceedings.

### The Proceeding

After the defendant has been served with a copy of the Uniform Traffic Ticket and Complaint, he must either waive his right to a hearing and plead guilty to an offense or admit an infraction, or he must appear in court at the time and place indicated. If he decides not to waive the hearing, he must appear either personally or by counsel and answer to the complaint orally. Defendant's plea will usually be a blanket admission or general denial, although he may orally raise certain defenses at the time of his plea. If the defendant admits a traffic infraction, this answer is not admissible as evidence in any civil or criminal proceeding arising out of the same set of facts. If the defendant denies committing the infraction, the state must prove by a *preponderance of the evidence* that the defendant committed the infraction alleged. Preponderance of the evidence is the standard of proof ordinarily employed in civil actions and is less stringent than the "beyond a reasonable doubt" standard employed in criminal cases. The law enforcement officer only has to provide enough information to establish that the defendant committed the infraction by the greater weight of the evidence or by evidence which is more credible and convincing than that produced by the defendant. If the defendant fails to appear or fails to plead and

waive his right to hearing, a default judgment will be entered against him.

Judgments in traffic infraction proceedings are to be enforced in the same manner as other civil judgments. Civil enforcement involves a writ of execution under Rule 69 of the Maine Rules of Civil Procedure and the disclosure procedure under 14 M.R.S.A. §3121-3137. The details of these procedures will not be discussed here.

A defendant who has been adjudged to have committed a traffic infraction may appeal within five days of the entry of judgment. The appeal is on questions of law only and is determined by the Superior Court without a jury. Rule 73(a) of the District Court Civil Rules governs appeals in traffic infraction cases.

### CONCLUSION

This article has attempted to explain the nature and purpose of Maine's new traffic law and to provide guidelines for enforcing it to law enforcement officers. Because of the newness and the complexity of the law, problems may arise in enforcing the law that are not answered in the article. These problems should be brought to the attention of the Law Enforcement Education Section so that they may be dealt with in the FORUM column of future issues of ALERT. Also, complaints about or suggestions for changes in the Uniform Traffic Ticket and Complaint should be forwarded to:

Elizabeth Belshaw  
State Court Administrator  
P.O. Box 738  
Auburn, Maine 04210

We encourage any officer to make known his thoughts about the new traffic law so that necessary changes can be implemented to make the system work more efficiently and justly.

## IMPORTANT RECENT DECISIONS

### SEARCH AND SEIZURE:

A § 2.1 Probable Cause: Warrant  
SEARCH AND SEIZURE:

A § 4.5 Use of Informers

Defendants were convicted of possession of controlled substances and appealed. A landlord of an apartment building came to a police officer and told him that during a routine inspection of an apartment in his building he noticed a quantity of plastic bags containing what he suspected to be marijuana in a wide open dresser drawer and he also observed a small measuring scale in the apartment. The officer and landlord went to a judge for a search warrant. The affidavit prepared by the officer merely stated that he believed there was probable cause that a crime was committed and that his information was received from a reliable source. In addition to the affidavit, the judge heard sworn testimony from the landlord and the judge endorsed on the warrant a summary of the testimony of the landlord as follows:

"A person at this time to remain nameless appeared before the Court and after being placed under oath testified in substance as follows: That on this date he personally observed what he believed to be marijuana in a chest of drawers in Apartment #4, 139 No. Sheldon, Ames, Iowa. That said marijuana is contained in plastic sacks and there are a number of sacks. That a small measuring scale is also present in the apartment. That the apartment is rented by Rick McAlpin, Tim Thomas, and Dixon Wood.

"The Court finds, probable cause and orders the issuance of the search warrant."

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The defendants claimed that the information on which the search warrant was based failed to include a sufficient showing of the underlying facts and circumstances to support a finding of probable cause and that therefore the evidence seized under the warrant should have been suppressed.

The Court held that the affidavit submitted by the officer alone was insufficient to establish probable cause. However, the testimony of the landlord, as shown by the judge's summary on the search warrant, showed sufficient underlying facts and circumstances from the source himself, and was adequate to establish probable cause. *State v. Valde*, 225 N.W. 2d 313 (Supreme Court of Iowa, January 1975).

*COMMENT: The information which the judge summarized and endorsed on the warrant should have been included in the affidavit by the law enforcement officer. Guidelines for preparing an affidavit for a search warrant can be found in Sections II-B and II-C of the Law Enforcement Officer's Manual.*

#### SEARCH AND SEIZURE:

**A § 2.1 Probable Cause: Warrant**  
**SEARCH AND SEIZURE:**

#### **A § 3.5 Delay in Search**

Appellant was convicted of receiving goods stolen from interstate shipment and appealed, claiming the trial court erred in refusing to suppress the goods as fruits of an unlawful seizure. Twenty-five cartons of hand calculators had been stolen from an express terminal. A special undercover agent contacted a driver who admitted stealing the calculators, offered to sell them to the agent, and brought the agent to appellant's garage. Since appellant was not home, the two returned the next day, met the appellant, went inside the garage, and inspected the hand calculators. Several other agents then entered the opened garage to locate and interrogate the driver,

observed the undercover agent, and saw the cartons of calculators. The driver admitted stealing the calculators. One of the agents then obtained a search warrant and subsequently seized the cartons of calculators.

On appeal, appellant claims the agents actually seized the calculators when they first entered the garage to interrogate the driver. The court held that there was no factual support for the contention that the agents had seized the calculators when they entered the garage since they had not exercised dominion over the garage or the calculators before the warrant was executed.

Appellant also argued that even if the calculators were seized pursuant to the warrant, the warrant was tainted because, based on the undercover agent's knowledge, the other agents had probable cause before they entered the garage to interrogate the driver and therefore a warrant should have been obtained. The court rejected this argument saying even if the agents had probable cause before they went into the garage to interrogate the driver, the agents were under no obligation to stop any further investigation. The agents had a right to continue their investigation and strengthen their case before seeking a search warrant. *U.S. v. Berrett*, 513 F.2d 154 (1st Circuit Court of Appeals, March 1975)

*Comments directed toward the improvement of this bulletin are welcome. Please contact the Law Enforcement Education Section, Criminal Division, Department of the Attorney General, State House, Augusta, Maine.*

## ALERT

The matter contained in this bulletin is intended for the use and information of all those involved in the criminal justice system. Nothing contained herein is to be construed as an official opinion or expression of policy by the Attorney General or any other law enforcement official of the State of Maine unless expressly so indicated.

Any change in personnel or change in address of present personnel should be reported to this office immediately.

Joseph E. Brennan	Attorney General
Richard S. Cohen	Deputy Attorney General
	In Charge of Law Enforcement
John N. Ferdico	Director, Law Enforcement
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This bulletin is funded by a grant from the Maine Law Enforcement Planning and Assistance Agency.

## MAINE MOTOR VEHICLE OFFENSES AND INFRACTIONS

The following list is a compilation of all possible violations of Title 29 of the Maine Revised Statutes. The list is designed to aid law enforcement officers in filling out the Uniform Traffic Ticket and Complaint. The violations are listed in the order they appear in the statutes and each violation is designated either an infraction (I), a misdemeanor (M), or a felony (F). Also, a suggested wording for the Uniform Traffic Ticket and Complaint is given for each violation.

This list was developed through the cooperation of the Department of Attorney General, the Maine State Police, and the Motor Vehicle Division of the Secretary of State's Office. It includes all statutory changes up to and including the regular session of the 107th Maine Legislature. All previously issued lists or pamphlets dealing with the new motor vehicle law should be disregarded.

Section	Complaint Wording	Class	Section	Complaint Wording	Class
102	Operating unregistered vehicle	M	361	Misuse of loaner registration plate	I
	Allowing unregistered vehicle on way	M		Willful failure to keep loaner plate records	M
	Towing unregistered vehicle	M	363	Operating loaded truck on temporary registration	I
106	Unlawful display of registration	I	381	Improper display of registration plates	I
	Displaying expired registration plates	I	382	Failure to apply for replacement plate	I
111	Failure to produce registration certificate	M	531	Operating without license	M
113	Willful failure to surrender suspended registration plates	M		Operating without proper class of license	M
	Willful failure to surrender revoked registration plates	M		Operating motorcycle without proper license	M
	Willful failure to surrender expired (without renewal) registration plates	M	531—A2	Non-resident under 16 yrs. of age operating a motor vehicle	M
	Stealing registration plate	M	531—B	Failure to display operator's license on demand	M
115	Operating stock car on way	I	532	Violation of learner's permit	M
151	Willful failure to return registration certificate	M	533	Failure to have temporary license in possession	M
193	Willful failure to surrender plates and certificate by former state official	M	534	Operating beyond license restriction	I
242 1A	Pickup truck registered as automobile exceeding 6,000 pounds	I	537	Operating motorcycle on permit during nighttime	M
242 1B	Failure to pay double registration fee on a for hire vehicle	I		Illegal passenger on motorcycle	M
242 1C	Carrying passengers for hire without paying double registration fee	I	546	Failure to notify of (name) (address) change on operator's license	M
242 1D	Misuse of one-trip permit	I	722	Operating unlicensed driver education school	M
242 1E	Violation of condition on special registration permit	I		Instructing in driver education school without license	M
	Operating on special registration permit underage	I	724	Failure to display driver education school license	I
243	Operating home-made farm tractor beyond 10 miles	I		Failure to carry driver instructor's license on person	I
244	Towing more than one trailer or semi-trailer	I	726	Willful failure to keep driver education school records	M
	Over length vehicle	I	783 2C	Failure to return operator's license after financial responsibility suspension	I
	Over length combination vehicle	I		Failure to return registration (plates) (certificate) after financial responsibility suspension	I
	Over length motor vehicle transporter	I	783 7	Filing false 48-hour accident report	M
	Tree length log load exceeding 65 feet	I		Operating after license suspension for financial responsibility—security	M
	Tree length logs extending more than 25% beyond vehicle	I		Operating after license suspension for financial responsibility—insurance	M
	Operating special mobile equipment without permit	I		Operating after privilege suspended for financial responsibility—security	M
246	Fraudulently obtaining a farm-truck registration	I		Operating after privilege suspended for financial responsibility—insurance	M
	Misuse of farm truck registration	I		Operating motor vehicle after registration suspended for financial responsibility—security	M
252	Misuse of plate or placard issued to handicapped	I		Operating motor vehicle after registration suspended for financial responsibility—insurance	M
253	Misuse of wheelchair registration	I		Permitting operation with suspended registration—financial responsibility	M
256	Failure to display approved registration plate or marker	I	831	Operating rented or leased vehicle without insurance	I
259	Failure to notify of (name) (address) change on registration	I		Operating a vehicle for hire without insurance	I
342	Failure to obtain a vehicle dealer license	M	891	Failure to report an accident	M
347	Failure to display dealer (license) (certificate of registration)	M	892	Failure to report recovery of stolen vehicle	M
354	Misuse of (dealer registration plates) (equipment dealer plates)	I	893	Failure to remain at scene after accident resulting in death or injury	I
354 4	Failure of dealer or employee to accompany loaded truck during demonstration	I		Leaving accident after causing injury or death without making self known	M
354 5	Moving mobile home without tax collector's certificate	I	894	Leaving scene of accident with vehicle damage only	M
355	Failure of dealer to keep records	I			
	Failure of dealer to make records available	I			
	Failure of dealer to file records	I			
360	Misuse of transporter registration plate	I			

Section	Complaint Wording	Class	Section	Complaint Wording	Class
895	Failure of garage proprietor to report evidence of serious accident	M	960	Carrying improperly seated motorcycle passenger	I
897	Willful failure to notify operator or owner of collision with his unattended vehicle	M	991 1	Leaving travel lane unsafely	I
898	Willful failure to locate and notify owner of accident resulting only in damage to his property	M	991 2	Improperly driving in center lane on 3 lane way	I
900	Taking motor vehicle without consent	M	991 3	Failure to obey lane controls	I
900-A	Permitting unauthorized operation	M	991 4	Changing lane of travel against signals	I
	Permitting operation in violation of Title 29	M	992	Operating wrong way on divided way	I
901	Failure of renter of motor vehicles to keep records	M		Crossing highway dividing space	I
	Failure of renter of motor vehicles to have records in possession	M		(Entering) (leaving) limited-access way improperly	I
	Refusal of record inspection by renter of motor vehicles	M		(Being a pedestrian) (riding a bicycle) (operating a motor driven cycle) (other forbidden) on limited access way	I
902	Operating over posted weight limit	I	993	Operating wrong-way on one-way	I
	Operating beyond posted road restrictions	I	994 1	Improper right turn	I
	Operating over posted bridge limit	M	994 2	Improper left turn on two-way roadway	I
904	Pedestrian failing to use sidewalk	I	994 3	Improper left turn on one-way roadway	I
	Pedestrian walking on wrong side of way	I	994 3	Failure to follow turn directors	I
941	Failure to keep right	I	995	Coasting on downgrade	I
942	Parking so as to obstruct traffic	I	996	Driving over fire hose	I
	Leaving unfastened team unattended	I	997	Failure to stop when approaching a frightened animal	I
943	Failure to keep slow moving vehicle to right	I		Passing a (horse) (other animal) (vehicle) without using caution	I
944	Failure to yield to vehicle on right	I		Operating a vehicle so as to frighten an animal	I
	Failure to yield on entering a public way	I		Throwing object from vehicle at animal	I
	Failure to yield to pedestrian on public way	I	998	Failure to use caution at railroad crossing signal	M
945	Failure to yield entering rotary	I		Failure to obey railroad crossing signal	M
	Operating to left in rotary	I		Crossing grade when train approaching	M
946	Impeding emergency vehicle	I	999	Operating motorcycle without lighted head lamps	I
947 1A&1B	Failure to yield to other vehicles and pedestrians within intersection during (green light) (green arrow)	I		Operating more than 2 motorcycles abreast	I
947 3A	Failure to stop for red light	I		Operating motorcycle with excessively high handle bars	I
947 3B	Pedestrian red light violation	I	1031	Following within 150 feet	I
947 3C	Turning right on red light without yielding	I	1032	Following too close	I
947 3D	Violation of red arrow signal	I		Failure to leave space between vehicles for overtaking vehicle to enter	I
947 3E	Pedestrian entering roadway on red arrow signal	I		Operating in motorcade without leaving space between vehicles	I
948	Failure to yield at yield sign	M	1033	Following fire truck within 500 feet	I
	(Removing) (destroying) (damaging) (defacing) stop or yield (sign) (signal)	M	1071	Operating without lights	I
949	Failure to stop at stop sign	I		Parking without lights	I
	Failure to yield at stop sign	I		Parking on left with lighted headlamps	I
	Failure to yield to vehicle on throughway	I	1072	Failure to dim headlights	I
951 1	Failure to yield to pedestrian crossing on signal	I	1073	Failure to dim headlights when following another vehicle	I
951 2	Pedestrian disobeying traffic signal	I	1111	Parking unnecessarily on way	I
952 1A	Failure to stop for flashing red light	I		Parking without leaving 10 feet clearance	I
	Failure to yield after flashing red light	I		Parking without adequate sight distance	I
953	Entering lane against red signal	I		Parking in a restricted area	I
954 1	Failure to yield to pedestrian in crosswalk	I		Removing (vehicle) (part) from person having custody	M
954 2	Pedestrian entering way in path of vehicle so close it is impossible for driver to yield	I	1112	Leaving for hire vehicle without (responsible person in charge) (fastening it securely)	I
954 4	Passing vehicle stopped at crosswalk	I		Leaving vehicle without brakes set	I
955 1	Pedestrian failing to yield to vehicle	I	1151	Improper passing	I
955 2	Pedestrian failing to yield to vehicle at pedestrian tunnel or crossing	I		Passing on right where prohibited	I
955 3	Crossing between intersections	I		Passing without sounding horn	I
955 4	Crossing intersection diagonally	I	1152	Failure to give way to right when overtaken	I
956	Moving stopped vehicle when unsafe	I		Speeding up while being passed	I
957	Opening vehicle door into traffic	I		Operating on left while passing so as to interfere with (approaching) (overtaken) vehicle	I
	Leaving door open unnecessarily	I		Failure to return right within 100 feet of approaching vehicle	I
958	Occupying (camp trailer) (mobile home) (semi-trailer) (trailer) while moving	I		Operating left on a (grade) (curve)	I
959	Failure to stop at railroad crossing	M		Operating left at intersection or railroad crossing	I
960	Failure to ride on motorcycle seat	I		Operating left within 100 feet of a (bridge) (viaduct) (tunnel)	I
	Carrying passenger on motor cycle not so designed	I	1191	Reversing direction without adequate vision	I
				Changing course of travel when unsafe	I

Section	Complaint Wording	Class	Section	Complaint Wording	Class
1191	Failure to signal change of course	I	1368	Unauthorized headlight flashers	I
	Failure to signal turn	I		Unauthorized (red) (blue) light on front	I
	(Stopping) (Suddenly reducing speed) without signal	I		(Unauthorized) (Improper) light on volunteer fireman's vehicles	I
1192	Signal lamps not proper color	I		Unauthorized use of lights by volunteer fireman	I
	Stop lamp not proper color	I		Unauthorized lights on private snowplow	I
1251	Operating over posted speed limit	I		Using flashing light on snowplow on way	I
1252 1	Imprudent speed	I		(Unauthorized) (Improper) light on rescue or ambulance volunteer's vehicle	I
1252 2A	Exceeding speed limit in school zone	I		Unauthorized use of emergency lights by (rescue) (ambulance) volunteer	I
1252 2C	Exceeding residential speed limit (clock) (radar)	I	1368-A	Automobile not equipped with seat belts	I
1252 2D	Exceeding absolute 45 mph limit (clock) (radar)	I	1369	Operating vehicle without safety glass	I
1252 2E	Mobile home exceeding speed limit (clock) (radar)	I		Operating with opaque material in window	I
1252 2F	Exceeding 45 mph limit with school bus (clock) (radar)	I	1370	Using non-transparent material in place of glass	I
1252 2F	Exceeding 50 mph limit with school bus (clock) (radar)	I		Operating with obstructed view	I
1252 2H	Motor driven cycle with inadequate headlamp exceeding 35 mph (clock) (radar)	I		Improper display of decals	I
1253	Operating so slow as to impede traffic	I	1371	Regrooved tire violation	M
	Operating below minimum speed	I	1371-A	Inadequate tire	I
1255	Exceeding posted speed in a construction area	I	1372	Interference with driver's (view) (control)	I
1311	Reckless driving	M	1373	(Operating) (Passenger) on a motorcycle with inadequate helmet	I
1312	Operating under influence of (liquor) (drugs)	M	1374	Display of illuminated advertising on vehicle	I
	Attempting to operate under the influence of (liquor) (drugs)	M	1375	Operating out of season with studded tires	I
1314	Driving to endanger	I		Failure to carry studded tire permit	I
1315	Reckless homicide	F	1401	Inadequate flag and flare kit	I
1316	Death caused by motor vehicle violation	M	1402	Failure to properly display flags and flares	I
1362	Operating with inadequate brakes	I	1403	Failure to display name on truck tractor	I
	Inadequate parking brake	I	1404	Inadequate splash guards	I
	Inadequate horn	I	1461	Improper lights on rural mail vehicle	I
	Unnecessary use of (horn) (signalling device)	I	1462	(Snowremoval) (Sanding) vehicle with inadequate lights	I
	Unnecessary noise	I	1463	Doctor displaying improper light on vehicle	I
	(Installing) (Using) a bell or siren on unauthorized vehicle	I		Doctor using emergency light improperly	I
1363	(Distributing) (Having for sale) (Selling) (Servicing a vehicle with) brake fluid that does not meet standards	I	1652 1A	Exceeding road weight limit	M
1364	Excessive exhaust noise	I	1652 1A	Exceeding Interstate road limits	M
	Operating vehicle equipped with a cutout, bypass, or other similar device	I	1652 1C	Exceeding GVW	M
	Operating with (an incomplete) (a leaking) exhaust system	I	1652 1C	Failure to produce GVW certification	I
1364-A	Operating beyond restriction on permit for exhaust cutout	I	1652 2B	(Operating) (Causing operation) over weight on (axle) (tandem axle) (tri-axle)	M
	Failure to carry exhaust cutout permit	I	1652 2B	Exceeding Interstate tandem axle limit	M
1365	TV visible to operator	I	1652 2B(2)	Single axle of tandem axle exceeding 60%	M
1366	Headlamps attached too (high) (low)	I	1652 2B(3)	Single axle of a triaxle exceeding 40%	M
	Improperly colored headlamp	I	1652 2B(4)	Trailing axle not supporting required weight	M
	Operating without 2 headlamps	I	1652 2C	Exceeding 600 pounds per inch width tire	M
	Operating motorcycle without headlamp	I	1652 4A	Operating without adequate brakes on all axles	I
	Insufficient headlamp on motor driven cycle	I	1654	Overweight by less than 2,000 pounds intentional	M
	Headlamp projecting too high	I		Exceeding Interstate limits less than 2000 pounds	M
	Headlamp exceeding 32 candle power	I	1656	Exceeding registered gross weight	I
	Inadequate taillight	I	1701	Operating over width vehicle	I
	Inadequate plate light	I		No 3 inch risers or binders	I
	Inadequate clearance lights	I		Inadequate tailgate	I
	Inadequate clearance lights on closed body	I		Over structural height	I
	Inadequate reflector on rear	I		Operating over height	I
	Lights not within 12 inches of rear	I		Exceeding bridge clearance height	I
	Operating motorcycle without required lighting at night	I	1702	Operating vehicle likely to damage bridge or way	I
1367	Inadequate mirror	I	1703	Operating beyond overlimit permit restrictions	I
	Failure to remove temporary mirrors	I		Improperly equipped escort vehicle	I
1367-A	Operating motorcycle without adequate mirror	I		(Lights) (Signs) improperly displayed on escort vehicle	I
1368	Improper use of (spot) (fog) (auxiliary) light	I	1751	Inadequate binding on logs	I
	(Fog) (Auxiliary) light displaying unauthorized color	I	1752	(Throwing) (Placing) injurious substance on a way or causing same	I

Section	Complaint Wording	Class	Section	Complaint Wording	Class
1752	Insecure load on a vehicle	I	2181	Causing another to (deceive) (substitute) in connection with an examination	M
1753	Operating in excess of posted weight limit on bridge	M		Knowingly make use of a (registration certificate) (number plate) (operator's license) obtained by a material false misstatement	M
1755	Failing to (flag) (light) extended load	I	2182 1	(Displaying) (Causing to be displayed) (Having in possession) any (revoked) (suspended) (mutilated) (fictitious) (fraudulently altered) operator's (license) (instruction permit)	M
	Inadequate safety chain	I	2182 2	(Lending) (Knowingly permitting another the use of) an (operator's license) (instruction permit)	M
1756	Failure to indicate body-level capacity	I	2182 3	(Displaying) (Representing as one's own) an (operator's license) (instruction permit) not issued to him	M
1805	Refusing to permit weighing	M	2182 4	Permitting any unlawful use of an (operator's license) (instruction permit) issued to him	M
1961	Failure to keep right with bicycle	I	2183	Willfully operating motor vehicle after his (license) (right to operate) has been (suspended) (revoked)	M
	Riding a bicycle other than astride a regular or permanent seat	I		Willfully (operating) (permitting another to operate) a motor vehicle after the registration has been (suspended) (terminated) (cancelled)	M
	Carrying excess passengers on bicycle	I		Willfully (attaching) (permitting to be attached) to a motor vehicle a plate assigned to another vehicle	M
	Attaching to a moving vehicle while riding on (a bicycle) (roller skates) (a sled) (a toy vehicle)	I		Willfully (obscuring) (permitting to be obscured) the figures on a plate or a vehicle	M
1962	Inadequate headlamp on bicycle	I		Willfully failing to properly display number plates issued	M
	Inadequate reflector on bicycle	I	2184	Operating after (suspension) (revocation)	M
	Inadequate (pedal reflectors) (handlebar reflector tapes) on bicycle	I		Operating after (suspension) (revocation)-Financial Responsibility	M
2012 1A	Inadequate lettering on school bus	I	2185	(Buying) (Selling) (Receiving) (Disposing of) (Aiding in the disposal of) (Concealing) (Having in his possession) any motor vehicle or trailer from which the (serial #) (distinguishing number) has been (removed) (defaced) (covered) (altered) (destroyed) for the purpose of concealment of vehicle identity	M
2012 1B	Improper paint on school bus	I	2186	Willfully (removing) (injuring) (tampering) with any (sign) (lights) (flares) (reflectors) (signalling or safety device) placed by officials on a way	M
2012 1C	Improperly painted bumper on school bus	I		Willfully operating over a way closed for (construction) (repairs) contrary to posted notice	M
2012 1D	Inadequate signal lamps on a school bus	I	2187	Soliciting (alms) (contributions) (subscriptions) from persons in vehicles	I
2012 1E	Inadequate mirror on a school bus	I		Selling (merchandise) (ticket) to persons in vehicles	I
2012 2	Failure to make required changes to former school bus	I	2188	Hitchhiking violation	I
2012 3	Using school bus equipment when transporting for other purposes	I	2280	Habitual offender operating vehicle while court order prohibiting operation is in effect	F
2012 4	Misuse of school bus equipment	I	2300-3	(Soliciting) (Aiding in) (Attempted) disposition of uniform traffic ticket and complaint in unauthorized manner	M
2013 1	Operating school bus without proper license	I	2302-A	3 or more traffic infractions within 12-month period	M
	Operating school bus without having passed annual physical	I	2302-B	Traffic infraction resulting in personal injury or property damage	M
2014 1	Insufficient seating space on school bus	I	2442 1A	(Altering) (Forging) (Counterfeiting) certificate of title	F
2014 2	Obstructed emergency door on a school bus	I	2442 1B	(Altering) (Forging) an assignment of a certificate of title on a (certificate of title) (Secretary of State's form)	F
2014 3	Standeeds on a school bus	I	2442 1B	(Altering) (Forging) an assignment or release of a security interest on a (certificate of title) (Secretary of State's form)	F
2014 4	Failure to wear seat belts when provided on a school bus	I	2442 1C	(Possessing) (Using) certificate of title knowing it to have been (altered) (forged) (counterfeited)	F
2015 4	Inadequate fire extinguisher on school bus	I	2442 1D	(Using false or fictitious name or address) (Making material false statement) (Failing to disclose security interest) (Concealing other material fact) in application for certificate of title	F
2016	School bus railroad crossing violation	M	2443 1A	With fraudulent intent permitting another, not entitled thereto, to (use) (have possession of) certificate of title	M
2019	Failure to properly use flashing lights	M	2443 1B	Willfully failing to (mail) (deliver) a (certificate of title) (application) to Secretary of State within 10 days	M
2019 2	Passing stopped school bus	I	2443 1C	Willfully failing to deliver certificate of title to transferee within 10 days	M
2019 4	Misuse of school bus flashing lights	I	2443 1D	Willfully violating any provision of motor vehicle title law	M
2121	Failure to stop for officer	I	2444 1	Failure by enforcement officer to report theft or recovery of vehicle to Secretary of State	I
	Failure to give correct (name) (address)	M	2444 2	Failure to report recovery of vehicle to Secretary of State	
2122	Failure to produce inspection certificate	M	2444 3	Failure by garage operator to report to Secretary of State within 5 days vehicle remaining unclaimed for 30 days	M
	Failure to properly display inspection sticker	M	2445	Knowingly making false report of (theft) (conversion) of vehicle to (enforcement officer) (Secretary of State)	M
	Operating an unsafe vehicle	M			
	Dealer releasing vehicle without inspection	M			
	Operating an uninspected motor vehicle	M			
	Operating farm truck beyond partial inspection limits	M			
2124	Misuse of inspection station license	M			
	Failure to post inspection station license	M			
	Misrepresenting a place as official inspection station	M			
	Unlicensed person performing inspection	M			
	(Issuing) (Knowingly using) (Having in his possession) (Making) an imitation or counterfeit of an inspection sticker	M			
	(Having in his possession) (Issuing) (Knowingly using) a sticker not properly issued by an official inspection station	M			
	(Displaying) (Causing to be displayed) (Permitting to be displayed) an inspection sticker known to be (fictitious) (issued to another vehicle) (issued without an inspection having been made)	M			
	Failure of mechanic to notify change of address or employment	M			
2125	Charging excessive fee for inspection	M			
2127	Inadequate air pollution control system	I			
2181	Making a material misstatement on application for (license to operate a motor vehicle) (registration) (learner's permit) (driver examination)	M			
	(Deceiving) (Substituting) in connection with an examination	M			