

Supplemental Packet
Criminal Justice and Public Safety Committee Meeting
July 20, 2020
(Prepared July 20, 2020)

July 20, 10am

Supplemental materials for LD 2085

Proposed amendment from Rep Rachel Talbot Ross

Supplemental materials for LD 2043

Bill analysis form updated to July 19, 2020

Packet submitted July 15 by Lieutenant Bruce Scott, Maine State Police, containing guidance on lowering on lowering fines and dismissing charges, comparison of current fines and fine schedule (shortened to 9 pages by OPLA)

Proposed committee amendment from Rep Charlotte Warren, dated July 20, 2020

Supplemental materials for LD 2037

Proposed amendment from Rep. Charlotte Warren

Proposed amendment from John Pelletier, CLAC

Drafter: JO

Date: July 20, 2020

File: G:\COMMITTEES\CJPS\AMENDMTS\129th 2nd\Amend LD 2085 For RTR.Docx

Proposed Committee Amendment to LD 2085, An Act To Ensure Access to Sexual and Reproductive Health Care and Education in All Maine's Jails and State Correctional and Detention Facilities

(Proposed by Representative Rachel Talbot Ross, July 20, 2020)

Amend the bill to read as follows:

Sec. 1. 30-A MRSA §1566 is enacted to read:

§ 1566. Sexual and reproductive health care and education

Any person who is detained or incarcerated in a jail or other county correctional facility who is a female or who has a uterus has a right to access to trauma-informed comprehensive reproductive health care and education that addresses gender-specific health care needs in corrections upon admission and throughout detention or incarceration, including, but not limited to, the following:

1. Antepartum and postpartum care and contraceptive and abortion care services. Appropriate antepartum and postpartum care and contraceptive and abortion care services; and

2. Sexual and reproductive health care and education. Appropriate sexual and reproductive health care and education that meets recognized national standards and guidelines established by the American College of Obstetricians and Gynecologists and the National Commission on Correctional Health Care, including but not limited to age-appropriate screening guidelines.

Sec. 2. 34-A MRSA §3031, sub-§8, as amended by PL 2019, c. 139, §2, is further amended to read:

8. Visitation. A reasonable opportunity to visit with relatives and friends, in accordance with departmental policies and institutional procedures, ~~provided that~~ except that the department may restrict or prohibit visits when the restriction or prohibition is necessary for the security of the institution; ~~and~~

Sec. 3. 34-A MRSA §3031, sub-§9, as enacted by PL 2019, c. 139, §3, is amended to read:

9. Menstrual products. Comprehensive access to menstrual products, including, but not limited to, sanitary pads and tampons, provided and available at all times and without inconvenience or charge to a person who menstruates who resides in a correctional or detention facility; and

Sec. 4. 34-A MRSA §3031, sub-§10 is enacted to read:

10. Sexual and reproductive health care and education. For any person who is a female or who has a uterus, comprehensive access to sexual and reproductive health care and education upon admission and throughout that person's residence, including, but not limited to, the following:

A. Appropriate prenatal, perinatal and postnatal health care and education; and

B. Appropriate sexual and reproductive health care and education.

Sec. 5. Sexual and Reproductive Health Care Advisory Committee. There is established the Sexual and Reproductive Health Care Advisory Committee to review and develop adequate standards, policies and materials for the provision of sexual and reproductive health care and education for persons who are incarcerated as required by the Maine Revised Statutes, Title 30-A, section 1566 and Title 34-A, section 3031, subsection 10. The advisory committee consists of a representative of the Department of Corrections designated by the Commissioner of Corrections; a woman who has a lived experience detained or incarcerated in a county jail; a woman who has a lived experience detained or incarcerated in a state correctional facility; a sexual and reproductive health care provider and a representative of a statewide association of sheriffs appointed by the President of the Senate; a representative of an organization with the primary mission to advance racial justice appointed by the Speaker of the House of Representatives; and a medical provider who treats pregnant people who are incarcerated appointed by the Governor. The Department of Corrections shall provide staffing services to the advisory committee. The advisory committee shall submit a report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters by January 1, 2021.

SUMMARY

This amendment replaces the bill. It includes all of the provisions of the bill and requires that the sexual and reproductive health care and education that is provided in a jail or other county correctional facility be trauma-informed, address gender-specific health care needs in corrections and meet nationally recognized standards. The amendment adds to the Sexual and Reproductive Health Care Advisory Committee members 2 persons: a woman who has a lived experience detained or incarcerated in a county jail and a woman who has a lived experience detained or incarcerated in a state correctional facility.

**OFFICE OF POLICY AND LEGAL ANALYSIS
BILL ANALYSIS**

TO: Members, Joint Standing Committee on Criminal Justice and Public Safety

FROM: Jane Orbeton, Legislative Analyst

DATE: February 25, 2020, and updated July 19, 2020

LD: 2043, "An Act To Reclassify Certain Offenses under the Inland Fisheries and Wildlife Laws and Motor Vehicle Laws and Increase the Efficiency of the Criminal Justice System" (Warren)

SUMMARY:

In Part A, this bill:

1. Changes the definition of "habitual violator" in the inland fisheries and wildlife laws by including a person whose convictions are for civil violations or a combination of civil violations and criminal violations. Current law includes only criminal violations; and
2. Reduces from Class E crimes to civil violations the following violations of the inland fisheries and wildlife laws and sets the fines for the civil violations:
 - A. For resident and nonresident junior hunters, hunting without a license;
 - B. Practicing falconry without a permit;
 - C. Possessing wild animals or wild birds taken in violation of the law that prohibits shooting while in or on a vehicle;
 - D. Hunting migratory game birds with a shotgun capable of holding more than 3 shells;
 - E. Leaving or allowing to remain duck decoys or a stationary blind or parts of an artificial cover in Merrymeeting Bay at night;
 - F. Illegally placing bear bait to entice, hunt or trap black bear or hunting bear with more than 6 dogs;
 - G. With regard to a person who is not a resident of the State, hunting bear with dogs without a guide;
 - H. Training dogs on wild birds or wild animals, except in certain circumstances;
 - I. Training dogs when the person has a license that is suspended or revoked;
 - J. Holding field trials for beagles and other rabbit hounds except from September 1st through the following April 10th;
 - K. Holding field trials for sporting dogs without a license;
 - L. Charging others for the opportunity to hunt mallard ducks, pheasants, quail, Chukar partridge or Hungarian partridge or operating a commercial shooting area for such birds without a license;

- M. Charging another person for the opportunity to fish in a private pond without holding a valid private fee pond license; and
- N. Failing to present upon request to any agent of the Commissioner of Inland Fisheries and Wildlife a receipted invoice, bill of lading, bill of sale, license or other satisfactory evidence of lawful possession of live baitfish for retail or wholesale sale or smelts for wholesale sale.

In Part B, the bill does the following:

1. Reduces from Class E crimes to civil violations the following violations of the motor vehicle laws and sets the fines for the civil violations:

- A. Failure to register a vehicle or having registration that has been expired for 150 days or more;
- B. Failure by a motor vehicle dealer to maintain records of purchase or sale of vehicles and failure to maintain records of all sales representatives and full-time employees, vehicles and vehicle parts and make them available for inspection by representatives of the Secretary of State, the Attorney General or law enforcement officers;
- C. Operating a motor vehicle on a public way or parking area without being licensed or in violation of a condition or restriction on the license;
- D. Failure to obtain a license after establishing residency for more than 90 days;
- E. With regard to Class A, B and C motor vehicle licenses, operating a vehicle not included in the class of the person's license;
- F. With regard to suspension of a license or registration, failure of the person to surrender to the Secretary of State every license, registration certificate and registration plate;
- G. Operating a motor vehicle without proof of financial responsibility;
- H. With regard to a motor vehicle that is abandoned, removal of the vehicle or any part or accessory thereof without written consent;
- I. With regard to a motor vehicle illegally abandoned on an island, failure to remove the vehicle within the designated time frame;
- J. Displaying or possessing a revoked, mutilated, fictitious or fraudulently altered driver's license or identification card;
- K. Attaching or permitting attachment to a motor vehicle a registration plate assigned to another vehicle or not currently assigned to the vehicle;
- L. Obscuring identification numbers or letters, the state name, the validation sticker or a mark distinguishing the type of plate attached to the vehicle;
- M. The use by a school bus operator of flashing lights on the bus other than for the purpose of controlling traffic when stopping to receive or discharge school-age persons; and
- N. Operating or permitting another person to operate a motor vehicle when the registration has been suspended or revoked; and

2. Designates as a traffic infraction operating a motor vehicle while the person's driver's license is suspended if the person does not have 2 prior operating while license is suspended or revoked offenses.

NOTES ON DISCUSSIONS February 26, 2020

Part A

Sections A-1 through A-14: working agreement supporting.

Section A-15: working agreement opposing.

Sections A-16 through 22: working agreement supporting.

Part B

Section B-1: working agreement supporting and adding decriminalization of Title 29-A, section 351, subsection 1-A, paragraph B and subsection 5, paragraph B.

Sections B-2 through B-11: working agreement supporting.

Section B-12: working agreement supporting, with Title 29-A, section 2104, subsection 1-B amended to reduce a violation to a traffic infraction.

Section B-13: working agreement supporting.

Section B-14: working agreement supporting Title 29-A, section 2412-A, subsection 1-A, as amended by draft from Ben Tucker, Secretary of State's Office, Bureau of Motor Vehicles, dated 2/25/20.

Section B-15 to B-17: not considered on February 26.

Part C

Sections C-1 and C-2: not considered on February 26.

Unfinished business:

1. Sections B-15 to B-17 and sections C-1 and C-2.
2. Issues raised by the Judicial Branch memo labeled JTS (John T. Smith) Comments on Effects of Part B of LD 2043, as amended by draft amendment with regard to fine consistency and the significant fine reduction proposed for Operating After Suspension traffic infractions.
3. Issues raised by Robert O'Connell with regard to non-traffic violations in Title 17 and Title 29-A.
4. Discussion needed regarding fines, what entity should set fines, what discretion should be given with regard to the amount of the fine, consistency among related offenses and first and subsequent offenses.

Orbeton, Jane

From: Scott, Bruce G <Bruce.G.Scott@Maine.Gov>
Sent: Wednesday, July 15, 2020 9:30 AM
To: Deschambault, Susan; Warren, Charlotte
Cc: Tucker, Benjamin; Carpenter, Mike; Rosen, Kimberley; Beebe-Center, Pinny; Orbeton, Jane; Morales, Victoria; Costain, Dan; Carney, Anne; Cooper, Janice; Corey, Patrick; Johansen, Chris; Pickett, Richard; GalgayReckitt, Lois; Grotton, Christopher
Subject: LD 2043
Attachments: 20200715091323475.pdf; CURRENT FINES compare-contrast LD2043.docx; Fine schedule Sept. 2019.pdf

This message originates from outside the Maine Legislature.

Good morning Sen. Deschambault, Rep. Warren and distinguished members of the Criminal Justice and Public Safety Committee,

Due to COVID-19 changes to the normal process of public hearings and work sessions process, I have taken the liberty to provide you all with the documents electronically that you requested of me earlier this year. Please don't hesitate to reach out to me if you have any questions or concerns as you discuss this or any other traffic safety related matter.

The first attachment shows the guidance law enforcement is provided to us by the courts directing us to automatically lower fines of contested violations as well which charges that shall be dismissed. You will notice that most of the violations discussed and decriminalized by LD 2043 are already dismissed by the court provided the defendant has remedied their situation prior to court. In other words if you received a summons for an unregistered vehicle and/or an expired inspection sticker and you show up to court with evidence that you registered and/or got your vehicle inspected your charge is automatically dismissed. You will also note that one charge can be dismissed if there are more than one charge in plea for another.

The "CURRENT FINES compare-contrast" attachment was my best attempt at comparing current like fines to the fines proposed by LD 2043.

The "Fine schedule" attachment is the current list of all fines.

Respectfully,

Bruce

Lt. Bruce G. Scott
Maine State Police

CURRENT FINES

29-A 351 1 FT reg veh expired > 30 and < 150 days	85.00
29-A 351 1-A(A) FT reg veh in Maine > 30 and < 150 days of establishing residency.....	85.00
29-A 351 5 OP veh w/expired temp reg < 150 days	85.00
29-A 1251 1C OP mv w/o Maine lic when resident for > 30 < 90 days.....	152.00
29-A 1251 1E OP mv w/Maine lic expired <= 90 days.....	152.00
29-A 1251 1-A FT obtain lic w/in 30 days of residency (resident < 90 days).....	152.00
29-A 1251 4 Possessing more than one valid lic.....	152.00
29-A 1251 6A Non-resident under age 16 op.....	152.00
29-A 1601 FT produce evidence of ins.....	186.00
29-A 1601 3-A Producing evidence of ins not in effect.....	223.00
29-A 2104 4 Alterations to reg plates.....	152.00
29-A 2412-A 8A OAS - FT pay fine	325.00
29-A 2412-A 8B OAS - FT pay lic reinst fee.....	325.00
29-A 2412-A 8C OAS - Susp for dishonored ck	325.00

PROPOSED FINES IN LD 2043

29-A 351 FT register a veh.....	75.00
29-A 1251 1A Operating w/o a license.....	125.00
29-A 1251 1B Violation of conditional license.....	50.00
29-A 1251 1D FT obtain a license after 90 days of residency.....	75.00
29-A 1252 Operation of vehicle outside of proper class.....	150.00
29-A 1605.6 Operating without giving proof of insurance.....	125.00
29-A 1859 Removal of vehicle parts or accessories.....	75.00
29-A 1860 Abandoned MV on Island.....	50.00
29-A 2102-1A Poss of revoked, mutilated, fraudulently altered, license.....	150.00
29-A 2104-1 Attaching false plates.....	150.00
29-A 2104-1A Permitting attachment false plates.....	100.00
29-A 2104-1A False identification.....	50.00
29-A 2412-A 1,2,3 and 4 Operating after suspension.....	150.00
29-A 2417 Operating with suspended reg.....	125.00

Violations Bureau – Fine Dropdowns

\$125 - \$150-----	\$100
\$150 - \$175-----	\$140
\$175 - \$200-----	\$160
\$200 - \$225-----	\$180
\$225 - \$250-----	\$200
\$250 - \$275-----	\$240
\$275 - \$300-----	\$260
\$300 - \$350-----	\$280
\$350 - \$400-----	\$320
\$400 - \$450-----	\$360
\$450 - \$500-----	\$400

As a general rule, we do not go below \$50 for any violation.

Dismiss:

Unregistered MV: If the vehicle has been registered or disposed of and proof of the same is provided.

Uninspected MV: If the vehicle has been inspected or disposed of and proof of the same is provided.

Expired License: If the license has been renewed.

Resident without a license greater than 30 days, less than 90 days: If the defendant has been licensed in the state.

OAS: If the license has been reinstated, first offense only.

Mandatory Minimum Fines (cannot be reduced):

Operating After Suspension:

\$250 (or Dismiss if it is a first offense and the person reinstates license)

Texting While Operating Motor Vehicle:

\$250

Use of Cell While Driving:

First Offense: \$50 Subsequent Offenses: \$250

Operating Without Seatbelt:

First Offense: \$50 Second Offense: \$125 Third or more: \$250

Passing Stopped School Bus:

First Offense: \$250

NOTE:

- If there is more than one charge, feel free to dismiss on for a plea to another
 - EX: For OAS plea, you may dismiss inspection sticker violation or vice versa.

**MAINE JUDICIAL BRANCH
VIOLATIONS BUREAU**

**SCHEDULE OF
AMOUNTS
DUE**

FOR TRAFFIC INFRACTIONS OCCURRING ON OR AFTER

September 20, 2019

The listed amounts that appear in this schedule are the amounts that will be accepted by the Maine Judicial Branch Violations Bureau for traffic infractions if paid with an answer of "not contested" filed in a timely manner. Officers may show a person charged the Schedule of Amounts Due, showing the specific infractions and the amounts due for each infraction charged.

This Schedule of Amounts Due is effective for traffic infractions occurring **on and after September 20, 2019** unless otherwise ordered by the Chief Judge of the District Court.

Please direct any questions regarding the Violation Summons and Complaint or this Schedule of Amounts Due book to:

Maine Judicial Branch Violations Bureau
PO Box 480
Lewiston, ME 04243-0480
207-783-5422 (Voice)
TTY 711 Maine Relay

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INSTRUCTIONS

The Chief Judge of the Maine District Court issues this Schedule of Amounts Due that contains recent legislative enactments. This book reflects the MCJUSTIS Policy Board Recommendations that went into effect on July 1, 2004 and continues to provide a list of motor vehicle offenses identified as traffic infractions in T29-A M.R.S. Some exceptions to this are some violations under T17, T23, and T38 of the M.R.S.

Pursuant to T4 M.R.S. §164(12), the Chief Judge of the Maine District Court establishes a schedule of amounts payable by persons charged with traffic infractions, if that person files a written answer not contesting the infraction. To take advantage of the scheduled amount due, the answer of "Not Contested" must be filed within thirty-five (35) days after the Violation Summons and Complaint is served. This booklet is valid only for traffic infractions occurring on and after September 20, 2019 unless otherwise ordered by the Chief Judge. For violations occurring before this date, please refer to the appropriate book.

The Violation Summons and Complaint form has the four (4) most written violations preprinted on the ticket. Please remember you may charge a person for **no more than three (3) violations on a ticket**. It may not be used to charge a traffic criminal or other type of criminal offense, nor can it be used for a civil violation. Please note that violations of municipal traffic or parking ordinances are civil violations. A traffic infraction may not be charged on any other form. Specifically, a Uniform Summons and Complaint may not be used for a traffic infraction.

If an officer believes a traffic infraction not listed in this booklet has been committed, the officer may issue a Violation Summons and Complaint. The officer must enter the charging language, show the specific title, section and sub-section violated and quote an amount due of \$146.00.

When filling out a Violation Summons and Complaint, the officer must write clearly and include at least the following information:

1. Whether the person charged is also being charged with a criminal offense.
2. The full identifying information of the person charged.
3. The date, time (in military time), and place of the alleged infraction.
4. If the charge is speeding, speeding in a school zone or speeding in a construction zone, the alleged speed and legal speed must be entered.
5. Specific charging language: The officer is encouraged to use the charging language shown in the numerical listing of infractions. Common abbreviations are used in the numerical listing to shorten violation descriptions. Common abbreviations are listed on page iv.
6. The statutory citation for each separate infraction must be noted in the space provided.

7. The amount due for each violation appears to the right of the violation description starting on page 1. The amount due shown in this book includes all statutory surcharges. These surcharges include: 10% for Government Operations effective June 17, 1987, 3% for Maine Criminal Justice Academy effective June 1, 2006, 1% for County Jail Prisoner Support and Community Correction Fund effective August 1, 2002, 5% for Government Operations Surcharge Fund effective July 30, 2004, 1% for Maine State Police Computer Crime effective June 1, 2006, a \$10 flat fee for the Civil Legal Services Fund, effective September 17, 2005 and a \$15 flat fee for the Court Management System, effective February 1, 2018.

After completing the Violation Summons and Complaint, the officer must:

1. Serve two copies on the person charged. These copies are marked "Copy for Defendant's Record" and "Defendant's Answer Copy For Mailing."
2. Deliver to the person charged an envelope addressed to the Violations Bureau from the ticket book.
3. File the "Bureau Copy," i.e., the original, with the Violations Bureau **within five (5) days of issuance** according to T29-A § 2601(9). The "Bureau Copy" must be filed with a complete Transmittal Form. Printed envelopes for transmittal purposes are available. **Each department/agency should have a supply at their headquarters. The Violation Summons and Complaint ticket books along with the transmittal forms and transmittal envelopes are ordered through Maine State Police in Augusta (207-624-8944).**

DIVISION NUMBERS

Each Division of the District Court is identified by a Division Number to simplify the processing of traffic infraction matters. The Division Numbers for the various Divisions are listed below alphabetically by the location of the court.

<u>Court Location</u>	<u>Division Number</u>	<u>Division Name</u>
Augusta	06	Southern Kennebec
Bangor	03	Southern Penobscot
Bath	07	Bath-Brunswick
Belfast	15	Waldo
Biddeford	04	Eastern York
Bridgton	14	Northern Cumberland
Calais	24	Northern Washington
Caribou	22	Eastern Aroostook
Dover-Foxcroft	23	Piscataquis
Ellsworth	11	Central Hancock
Farmington	16	Franklin
Fort Kent	30	Western Aroostook
Houlton	21	Southern Aroostook
Lewiston	02	Southern Androscoggin
Lincoln	27	Central Penobscot
Machias	25	Southern Washington
Madawaska	31	Western Aroostook
Millinocket	26	Northern Penobscot
Newport	18	Western Penobscot
Portland	01	Southern Cumberland
Presque Isle	13	Central Aroostook
Rockland	12	Knox
Rumford	20	Northern Oxford
Skowhegan	08	Somerset
South Paris	17	Southern Oxford
Springvale (Sanford)	10	Western York
Waterville	09	Northern Kennebec
Wiscasset	19	Lincoln
York	05	Southern York

ABBREVIATIONS

<u>Abbreviation</u>	<u>Word Replaced</u>
AGGR	Aggravated
ATT	Attaching
AUX	Auxiliary
BIC	Bicycle
CERT	Certificate
CK	Check
DISP	Displaying
EPAMD	Electric personal assistive mobility device
EXC	Exceeding
EXPMTL	Experimental
FT	Fail to
HGT	Height
HWY	Highway
ILL	Illegal(ly)
IMP	Improper(ly)
INS	Insurance
INSP	Inspection
LIC	License
LMT	Limit(ed)
M/C	Motorcycle
MV	Motor vehicle
PRKG	Parking
OP	Operating
OPR	Operator
PSG	Passing
PSGR	Passenger
PED	Pedestrian
REG	Register/Registration
REINST	Reinstatement
RT	Right
SOS	Secretary of State
SUSP	Suspension
TEMP	Temporary
TNC	Transportation Network Company
TRLR	Trailer
UNAUTH	Unauthorized
VEH	Vehicle
WT	Weight
X	Cross
YOA	Years of Age

Traffic Infractions – Numerical By Title & Section

Amount Due

17	2263-A	1E1	OP veh from which litter is discarded (<= 15 lbs or <= 27 cubic feet) (1st offense)	180.00
17	2263-A	1E1	OP veh from which litter is discarded (<= 15 lbs or <= 27 cubic feet) (2nd offense & subsq).....	625.00
17	2263-A	1E2	Littering from a veh (<= 15 lbs or <= 27 cubic feet) (1st offense)	180.00
17	2263-A	1E2	Littering from a veh (<= 15 lbs or <= 27 cubic feet) (2nd offense & subsq)	625.00
23	1980	1	OP below minimum turnpike speed lmt.....	152.00
23	1980	1B	OP truck/truck tractor beyond lane restriction	152.00
23	1980	2	OP wrong way on divided way on turnpike	180.00
23	1980	3	Unnecessary stopping on turnpike	152.00
23	1980	4	Xing, driving, prkg, or stopping in median strip on turnpike	180.00
23	1980	5	Using median xover unlawfully on turnpike.....	180.00
23	1980	6	PED on turnpike.....	152.00
23	1980	7	OP veh w/flat pneumatic tire	152.00
23	1980	7	OP or allowing prohibited veh on turnpike	180.00
23	1980	7	OP over hgt veh on turnpike	180.00
23	1980	7	OP over width veh on turnpike	180.00
23	1980	9	Cutting, mutilating, or removing trees, shrubs or plants from turnpike	180.00
23	1980	10	OP over lmt veh on turnpike w/o permit	154.00
23	1980	10	OP beyond lic restrictions	152.00
23	1980	11	OP w/radioactive materials w/o a permit.....	152.00
23	7007	1	Walking/standing on a RR track or bridge or psg over a bridge except by RR conveyance (1st offense).....	85.00
23	7007	1	Walking/standing on a RR track or bridge or psg over a bridge except by RR conveyance (2nd offense)....	325.00
23	7007	1	Walking/standing on a RR track or bridge or psg over a bridge except by RR conveyance (3rd offense)....	925.00
29-A	251	4	Disclosure by the SOS of e-mail address obtained through lic or reg process	85.00
29-A	351	1	FT reg veh expired > 30 and < 150 days.....	85.00
29-A	351	1-A(A)	FT reg veh in Maine > 30 and < 150 days of establishing residency	85.00
29-A	351	5	OP veh w/expired temp reg < 150 days	85.00
29-A	351	6	IMP reg of veh in manner not reflective of its current actual use or as a type of veh that it is not	385.00
29-A	404		FT produce reg cert.....	152.00
29-A	406	1	FT return reg cert	152.00
29-A	452		FT display front/back plate	152.00
29-A	452	3	IMP display of reg plates.....	152.00
29-A	452	4	REG plates not plainly visible and legible.....	152.00
29-A	458	3	OP stock car on way	152.00
29-A	462		Issuing temp reg plate beyond lmts allowed	180.00
29-A	462	3	OP loaded truck on temp reg.....	180.00
29-A	462	4	OP mobile home w/temp plate w/o tax cert	180.00
29-A	462	6	FT notify SOS of sale or exchange of veh.....	180.00
29-A	462	10A	ILL attachment of temp reg plate	356.00
29-A	462	10B	ILL providing temp reg plates	505.00
29-A	462	11	FT maintain written record of temp reg plate on form prescribed by SOS	180.00
29-A	462	11	FT submit written record of temp reg plate annually upon application for renewal of dealer license	180.00
29-A	463	3	FT surrender reg plate(s).....	152.00
29-A	465	1	FT display temp reg plate(s).....	152.00
29-A	465	3	FT apply for replacement plate(s)	152.00
29-A	465	5	FT return remaining plate.....	152.00
29-A	470	2	Expmntl mv ft comply w/equipment standards.....	152.00
29-A	470	3	FT reg as an expmntl mv inventor	152.00
29-A	470	4	Misuse of expmntl mv plates.....	152.00
29-A	470	6	OP expmntl veh w/o ins.....	152.00
29-A	470	7	OP expmntl veh exc speed capability	152.00
29-A	470	7	OP expmntl veh where prohibited	152.00
29-A	470	7	OP expmntl veh beyond daylight hours	152.00
29-A	501	1	DISP commercial plate on automobile	154.00
29-A	501	1	Pickup over 6,000 lbs registered as automobile.....	154.00
29-A	501	1	SUV over 10,000 lbs registered as automobile	154.00
29-A	501	2B	OP low-speed veh on island where prohibited.....	176.00
29-A	501	2C	OP low-speed veh on island w/o a valid lic.....	208.00
29-A	501	3	FT pay double reg fee on for hire veh	180.00

Traffic Infractions – Numerical By Title & Section

Amount Due

29-A	501	7F	Misusing one trip permit.....	180.00
29-A	501	8	Violation of condition on special reg permit.....	180.00
29-A	501	8D	OP on special reg permit underage.....	180.00
29-A	501	10	OP beyond permit restrictions.....	180.00
29-A	501	10	Violation of lmtd operation permit.....	180.00
29-A	501	10C	Transporting property/psgrs in off-hwy veh.....	180.00
29-A	501	10F	FT carry off-hwy permit.....	180.00
29-A	504	2	FT display truck tractor reg plate(s).....	180.00
29-A	505	3	Farm truck exc maximum reg wt..... <i>[(farm truck reg fee - commercial veh reg fee for actual wt) x 1.2 + \$25.00]</i>	
29-A	505	5A	Fraudulently obtaining farm truck reg.....	329.00
29-A	505	5B	UNAUTH use of farm truck reg.....	329.00
29-A	508		FT reg truck camper.....	180.00
29-A	509	1	OP tractor w/o proper reg.....	180.00
29-A	509	3	OP home made farm tractor beyond 10 miles.....	208.00
29-A	511		Towing unreg trlr.....	208.00
29-A	511		Towing unreg semi trlr.....	208.00
29-A	513	2A	OP special mobile equipment w/o reg permit.....	208.00
29-A	514		Evasion of reg fees and excise taxes.....	926.00
29-A	517	2	FT display approved reg plate or marker.....	152.00
29-A	519	3	Using firefighter plate on veh > 10,000 lbs.....	152.00
29-A	519	6	UNAUTH use of firefighter plate.....	152.00
29-A	520		FT reg special equipment.....	152.00
29-A	521	5C	FT return disability plate/placard to the SOS when applicant's need terminates.....	151.00
29-A	521	9-A	PRKG in physical disability restricted space.....	265.00
29-A	521	9-A	PRKG in physical disability access aisle.....	265.00
29-A	521	9-B	Registered owner of veh ill parked in disability space/access aisle.....	265.00
29-A	521	11	Misuse of disability reg plates/placard.....	180.00
29-A	521	12	PRKG disabled exc twice the lmt.....	152.00
29-A	521	13	Altering expiration date on disability placard.....	152.00
29-A	525	2	OPR of non-exempt veh ft obtain fuel use decal (1st offense).....	325.00
29-A	525	2	OPR of non-exempt veh ft obtain fuel use decal (2nd offense & subsq).....	625.00
29-A	525	6B	FT carry a fuel-use reporting cab card (1st offense).....	325.00
29-A	525	6B	FT carry a fuel-use reporting cab card (2nd offense & subsq).....	625.00
29-A	525	6C	Failure of person transferring a veh to disfigure unexpired fuel use (1st offense).....	325.00
29-A	525	6C	Failure of person transferring a veh to disfigure unexpired fuel use (2nd offense & subsq).....	625.00
29-A	525	10	OAS - Susp for ft file fuel tax report or pay amounts required by Special Fuel Tax Act.....	325.00
29-A	532	9A	FT comply w/reg requirements of IRP.....	625.00
29-A	551		FT comply w/requirements of Unified Carrier Registration System (1st offense).....	325.00
29-A	551		FT comply w/requirements of Unified Carrier Registration System (2nd offense & subsq).....	625.00

The following violations under 558-A should only be used by Law Enforcement Officers authorized to enforce the Maine Department of Public Safety, Bureau of State Police, Chapter 4 Rule.

29-A	558-A	2	390.21 Marking of CMVs (1st offense).....	325.00
29-A	558-A	2	390.21 Marking of CMVs (2nd offense & subsq).....	625.00
29-A	558-A	2	391.41 Physical qualifications for drivers (1st offense).....	325.00
29-A	558-A	2	391.41 Physical qualifications for drivers (2nd offense & subsq).....	625.00
29-A	558-A	2	392.7 FT properly inspect CMV or IME or ft use parts and accessories as needed (1st offense).....	325.00
29-A	558-A	2	392.7 FT properly inspect CMV or IME or ft use parts and accessories as needed (2nd offense & subsq).....	625.00
29-A	558-A	2	392.8 OP CMV w/o required emergency equipment or ft use the equipment as needed (1st offense).....	325.00
29-A	558-A	2	392.8 OP CMV w/o required emergency equipment or ft use the equipment as needed (2nd offense & subsq).....	625.00
29-A	558-A	2	392.9(a) OP mv providing transportation w/o, or beyond, required op authority (1st offense).....	325.00
29-A	558-A	2	392.9(a) OP mv providing transportation w/o, or beyond, required op authority (2nd offense & subsq).....	625.00
29-A	558-A	2	392.9(b) OP CMV providing transportation w/o safety reg and active USDOT number (1st offense).....	325.00
29-A	558-A	2	392.9(b) OP CMV providing transportation w/o safety reg and active USDOT number (2nd offense & subsq).....	625.00
29-A	558-A	2	392.16 Use of seat belts (1st offense).....	325.00
29-A	558-A	2	392.16 Use of seat belts (2nd offense & subsq).....	625.00
29-A	558-A	2	392.22 Emergency signals, stopped CMVs (1st offense).....	325.00
29-A	558-A	2	392.22 Emergency signals, stopped CMVs (2nd offense & subsq).....	625.00
29-A	558-A	2	392.24 Emergency signals, flame producing (1st offense).....	325.00

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Amount Due

29-A	558-A	2	392.24 Emergency signals, flame producing (2nd offense & subsq)	625.00
29-A	558-A	2	392.25 Flame producing devices (1st offense)	325.00
29-A	558-A	2	392.25 Flame producing devices (2nd offense & subsq)	625.00
29-A	558-A	2	392.33 Obscured lamps or reflective devices/material (1st offense)	325.00
29-A	558-A	2	392.33 Obscured lamps or reflective devices/material (2nd offense & subsq)	625.00
29-A	558-A	2	392.71 Use and/or possession of radar detectors (1st offense)	325.00
29-A	558-A	2	392.71 Use and/or possession of radar detectors (2nd offense & subsq)	625.00
29-A	558-A	2	392.80 Texting while driving (1st offense)	325.00
29-A	558-A	2	392.80 Texting while driving (2nd offense & subsq)	625.00
29-A	558-A	2	392.82 Using a hand-held mobile telephone while driving (1st offense)	325.00
29-A	558-A	2	392.82 Using a hand-held mobile telephone while driving (2nd offense & subsq)	625.00
29-A	558-A	2	393 Violation of Part 393 not otherwise specified (1st offense)	325.00
29-A	558-A	2	393 Violation of Part 393 not otherwise specified (2nd offense & subsq)	625.00
29-A	558-A	2	393.3 Additional equipment and accessories (1st offense)	325.00
29-A	558-A	2	393.3 Additional equipment and accessories (2nd offense & subsq)	625.00
29-A	558-A	2	393.9 Lamps inoperable, obstruction of lamps and reflectors (1st offense)	325.00
29-A	558-A	2	393.9 Lamps inoperable, obstruction of lamps and reflectors (2nd offense & subsq)	625.00
29-A	558-A	2	393.11 Lighting devices and reflectors (1st offense)	325.00
29-A	558-A	2	393.11 Lighting devices and reflectors (2nd offense & subsq)	625.00
29-A	558-A	2	393.13 Retroreflective sheeting and reflex reflectors (before 12/1/1993) (1st offense)	325.00
29-A	558-A	2	393.13 Retroreflective sheeting and reflex reflectors (before 12/1/1993) (2nd offense & subsq)	625.00
29-A	558-A	2	393.17 Lamps and reflectors - combinations in driveaway towaway operation (1st offense)	325.00
29-A	558-A	2	393.17 Lamps and reflectors - combinations in driveaway towaway operation (2nd offense & subsq)	625.00
29-A	558-A	2	393.19 Hazard warning signal (1st offense)	325.00
29-A	558-A	2	393.19 Hazard warning signal (2nd offense & subsq)	625.00
29-A	558-A	2	393.22 Combination of lighting devices and reflectors (1st offense)	325.00
29-A	558-A	2	393.22 Combination of lighting devices and reflectors (2nd offense & subsq)	625.00
29-A	558-A	2	393.23 Power supply for lamps (1st offense)	325.00
29-A	558-A	2	393.23 Power supply for lamps (2nd offense & subsq)	625.00
29-A	558-A	2	393.24 Head lamps, Aux driving lamps and front fog lamps (1st offense)	325.00
29-A	558-A	2	393.24 Head lamps, Aux driving lamps and front fog lamps (2nd offense & subsq)	625.00
29-A	558-A	2	393.25 Lamps other than headlamps (1st offense)	325.00
29-A	558-A	2	393.25 Lamps other than headlamps (2nd offense & subsq)	625.00
29-A	558-A	2	393.26 Reflex reflectors (1st offense)	325.00
29-A	558-A	2	393.26 Reflex reflectors (2nd offense & subsq)	625.00
29-A	558-A	2	393.28 Wiring systems (1st offense)	325.00
29-A	558-A	2	393.28 Wiring systems (2nd offense & subsq)	625.00
29-A	558-A	2	393.30 Battery installation (1st offense)	325.00
29-A	558-A	2	393.30 Battery installation (2nd offense & subsq)	625.00
29-A	558-A	2	393.40 Required brake systems (1st offense)	325.00
29-A	558-A	2	393.40 Required brake systems (2nd offense & subsq)	625.00
29-A	558-A	2	393.41 PRKG brake system (1st offense)	325.00
29-A	558-A	2	393.41 PRKG brake system (2nd offense & subsq)	625.00
29-A	558-A	2	393.42 Brakes required on all wheels (1st offense)	325.00
29-A	558-A	2	393.42 Brakes required on all wheels (2nd offense & subsq)	625.00
29-A	558-A	2	393.43 Breakaway and emergency braking (1st offense)	325.00
29-A	558-A	2	393.43 Breakaway and emergency braking (2nd offense & subsq)	625.00
29-A	558-A	2	393.44 Front brake lines, protection (1st offense)	325.00
29-A	558-A	2	393.44 Front brake lines, protection (2nd offense & subsq)	625.00
29-A	558-A	2	393.45 Brake tubing and hoses; hose assemblies and end fittings (1st offense)	325.00
29-A	558-A	2	393.45 Brake tubing and hoses; hose assemblies and end fittings (2nd offense & subsq)	625.00
29-A	558-A	2	393.47 Brake actuators, slack adjusters, linings/pads and drums/rotors (1st offense)	325.00
29-A	558-A	2	393.47 Brake actuators, slack adjusters, linings/pads and drums/rotors (2nd offense & subsq)	625.00
29-A	558-A	2	393.48 Brakes to be operative (1st offense)	325.00
29-A	558-A	2	393.48 Brakes to be operative (2nd offense & subsq)	625.00
29-A	558-A	2	393.49 Control valves for brakes (1st offense)	325.00
29-A	558-A	2	393.49 Control valves for brakes (2nd offense & subsq)	625.00
29-A	558-A	2	393.50 Reservoirs required (1st offense)	325.00
29-A	558-A	2	393.50 Reservoirs required (2nd offense & subsq)	625.00

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29-A	558-A	2	393.51 Warning signals, air pressure and vacuum gauges (1st offense)	325.00
29-A	558-A	2	393.51 Warning signals, air pressure and vacuum gauges (2nd offense & subsq)	625.00
29-A	558-A	2	393.52 Brake performance (1st offense)	325.00
29-A	558-A	2	393.52 Brake performance (2nd offense & subsq)	625.00
29-A	558-A	2	393.53 Automatic brake adjusters and brake adjustment indicators (1st offense)	325.00
29-A	558-A	2	393.53 Automatic brake adjusters and brake adjustment indicators (2nd offense & subsq)	625.00
29-A	558-A	2	393.55 Antilock brake systems (1st offense)	325.00
29-A	558-A	2	393.55 Antilock brake systems (2nd offense & subsq)	625.00
29-A	558-A	2	393.60 Windshield condition (1st offense)	325.00
29-A	558-A	2	393.60 Windshield condition (2nd offense & subsq)	625.00
29-A	558-A	2	393.61 Truck and truck tractor window construction (1st offense)	325.00
29-A	558-A	2	393.61 Truck and truck tractor window construction (2nd offense & subsq)	625.00
29-A	558-A	2	393.62 Emergency exits for buses (1st offense)	325.00
29-A	558-A	2	393.62 Emergency exits for buses (2nd offense & subsq)	625.00
29-A	558-A	2	393.65 All fuel systems (1st offense)	325.00
29-A	558-A	2	393.65 All fuel systems (2nd offense & subsq)	625.00
29-A	558-A	2	393.67 Liquid fuel tanks (1st offense)	325.00
29-A	558-A	2	393.67 Liquid fuel tanks (2nd offense & subsq)	625.00
29-A	558-A	2	393.68 Compressed natural gas fuel containers (1st offense)	325.00
29-A	558-A	2	393.68 Compressed natural gas fuel containers (2nd offense & subsq)	625.00
29-A	558-A	2	393.69 Liquid petroleum gas systems (1st offense)	325.00
29-A	558-A	2	393.69 Liquid petroleum gas systems (2nd offense & subsq)	625.00
29-A	558-A	2	393.70 Coupling devices and towing methods, except for driveaway-towaway operation (1st offense)	325.00
29-A	558-A	2	393.70 Coupling devices and towing methods, except for driveaway-towaway operation (2nd & subsq)	625.00
29-A	558-A	2	393.71 Coupling devices and towing methods, driveaway-towaway operations (1st offense)	325.00
29-A	558-A	2	393.71 Coupling devices and towing methods, driveaway-towaway operations (2nd offense & subsq)	625.00
29-A	558-A	2	393.75 Tires (1st offense)	325.00
29-A	558-A	2	393.75 Tires (2nd offense & subsq)	625.00
29-A	558-A	2	393.76 Sleeper berths (1st offense)	325.00
29-A	558-A	2	393.76 Sleeper berths (2nd offense & subsq)	625.00
29-A	558-A	2	393.77 Heaters (1st offense)	325.00
29-A	558-A	2	393.77 Heaters (2nd offense & subsq)	625.00
29-A	558-A	2	393.78 Windshield wiping and washing systems (1st offense)	325.00
29-A	558-A	2	393.78 Windshield wiping and washing systems (2nd offense & subsq)	625.00
29-A	558-A	2	393.79 Windshield defrosting and defogging systems (1st offense)	325.00
29-A	558-A	2	393.79 Windshield defrosting and defogging systems (2nd offense & subsq)	625.00
29-A	558-A	2	393.80 Rear vision mirrors (1st offense)	325.00
29-A	558-A	2	393.80 Rear vision mirrors (2nd offense & subsq)	625.00
29-A	558-A	2	393.81 Horn (1st offense)	325.00
29-A	558-A	2	393.81 Horn (2nd offense & subsq)	625.00
29-A	558-A	2	393.82 Speedometer (1st offense)	325.00
29-A	558-A	2	393.82 Speedometer (2nd offense & subsq)	625.00
29-A	558-A	2	393.83 Exhaust systems (1st offense)	325.00
29-A	558-A	2	393.83 Exhaust systems (2nd offense & subsq)	625.00
29-A	558-A	2	393.84 Floors (1st offense)	325.00
29-A	558-A	2	393.84 Floors (2nd offense & subsq)	625.00
29-A	558-A	2	393.86 Rear impact guards and rear end protection (1st offense)	325.00
29-A	558-A	2	393.86 Rear impact guards and rear end protection (2nd offense & subsq)	625.00
29-A	558-A	2	393.87 Warning flags on projecting loads (1st offense)	325.00
29-A	558-A	2	393.87 Warning flags on projecting loads (2nd offense & subsq)	625.00
29-A	558-A	2	393.88 Television receivers (1st offense)	325.00
29-A	558-A	2	393.88 Television receivers (2nd offense & subsq)	625.00
29-A	558-A	2	393.89 Buses, driveshaft protection (1st offense)	325.00
29-A	558-A	2	393.89 Buses, driveshaft protection (2nd offense & subsq)	625.00
29-A	558-A	2	393.90 Buses, standee line or bar (1st offense)	325.00
29-A	558-A	2	393.90 Buses, standee line or bar (2nd offense & subsq)	625.00
29-A	558-A	2	393.91 Buses, aisle seats prohibited (1st offense)	325.00
29-A	558-A	2	393.91 Buses, aisle seats prohibited (2nd offense & subsq)	625.00
29-A	558-A	2	393.93 Seats, seat belt assemblies and seat belt assembly anchorages (1st offense)	325.00

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29-A	558-A	2	393.93 Seats, seat belt assemblies and seat belt assembly anchorages (2nd offense & subsq)	625.00
29-A	558-A	2	393.94 Interior noise level in power units (1st offense)	325.00
29-A	558-A	2	393.94 Interior noise level in power units (2nd offense & subsq)	625.00
29-A	558-A	2	393.95 Emergency equipment in all power units (1st offense)	325.00
29-A	558-A	2	393.95 Emergency equipment in all power units (2nd offense & subsq)	625.00
29-A	558-A	2	393.100 Protection against shifting and falling cargo (1st offense)	325.00
29-A	558-A	2	393.100 Protection against shifting and falling cargo (2nd offense & subsq)	625.00
29-A	558-A	2	393.102 Cargo securement devices and systems minimum performance criteria (1st offense)	325.00
29-A	558-A	2	393.102 Cargo securement devices and systems minimum performance criteria (2nd offense & subsq)	625.00
29-A	558-A	2	393.104 Cargo securement devices and systems requirements (1st offense)	325.00
29-A	558-A	2	393.104 Cargo securement devices and systems requirements (2nd offense & subsq)	625.00
29-A	558-A	2	393.106 General requirements for securing articles of cargo (1st offense)	325.00
29-A	558-A	2	393.106 General requirements for securing articles of cargo (2nd offense & subsq)	625.00
29-A	558-A	2	393.108 Working load lmt of a tiedown or friction mat (1st offense)	325.00
29-A	558-A	2	393.108 Working load lmt of a tiedown or friction mat (2nd offense & subsq)	625.00
29-A	558-A	2	393.110 Minimum number of tiedowns (1st offense)	325.00
29-A	558-A	2	393.110 Minimum number of tiedowns (2nd offense & subsq)	625.00
29-A	558-A	2	393.112 Tiedown to be adjustable (1st offense)	325.00
29-A	558-A	2	393.112 Tiedown to be adjustable (2nd offense & subsq)	625.00
29-A	558-A	2	393.114 Front end structures used as cargo securement (1st offense)	325.00
29-A	558-A	2	393.114 Front end structures used as cargo securement (2nd offense & subsq)	625.00
29-A	558-A	2	393.116 Securing logs (1st offense)	325.00
29-A	558-A	2	393.116 Securing logs (2nd offense & subsq)	625.00
29-A	558-A	2	393.118 Securing dressed lumber or similar building products (1st offense)	325.00
29-A	558-A	2	393.118 Securing dressed lumber or similar building products (2nd offense & subsq)	625.00
29-A	558-A	2	393.120 Securing metal coils (1st offense)	325.00
29-A	558-A	2	393.120 Securing metal coils (2nd offense & subsq)	625.00
29-A	558-A	2	393.122 Securing paper rolls (1st offense)	325.00
29-A	558-A	2	393.122 Securing paper rolls (2nd offense & subsq)	625.00
29-A	558-A	2	393.124 Securing concrete pipe (1st offense)	325.00
29-A	558-A	2	393.124 Securing concrete pipe (2nd offense & subsq)	625.00
29-A	558-A	2	393.126 Securing intermodal containers (1st offense)	325.00
29-A	558-A	2	393.126 Securing intermodal containers (2nd offense & subsq)	625.00
29-A	558-A	2	393.128 Securing automobiles, light trucks and vans (1st offense)	325.00
29-A	558-A	2	393.128 Securing automobiles, light trucks and vans (2nd offense & subsq)	625.00
29-A	558-A	2	393.130 Securing heavy vehs, equipment and machinery (1st offense)	325.00
29-A	558-A	2	393.130 Securing heavy vehs, equipment and machinery (2nd offense & subsq)	625.00
29-A	558-A	2	393.132 Securing flattened or crushed vehs (1st offense)	325.00
29-A	558-A	2	393.132 Securing flattened or crushed vehs (2nd offense & subsq)	625.00
29-A	558-A	2	393.134 Securing roll-on/roll-off or hook lift containers (1st offense)	325.00
29-A	558-A	2	393.134 Securing roll-on/roll-off or hook lift containers (2nd offense & subsq)	625.00
29-A	558-A	2	393.136 Securing large boulders (1st offense)	325.00
29-A	558-A	2	393.136 Securing large boulders (2nd offense & subsq)	625.00
29-A	558-A	2	393.201 Frames (1st offense)	325.00
29-A	558-A	2	393.201 Frames (2nd offense & subsq)	625.00
29-A	558-A	2	393.203 Cab and body components (1st offense)	325.00
29-A	558-A	2	393.203 Cab and body components (2nd offense & subsq)	625.00
29-A	558-A	2	393.205 Wheels (1st offense)	325.00
29-A	558-A	2	393.205 Wheels (2nd offense & subsq)	625.00
29-A	558-A	2	393.207 Susp systems (1st offense)	325.00
29-A	558-A	2	393.207 Susp systems (2nd offense & subsq)	625.00
29-A	558-A	2	393.209 Steering wheel systems (1st offense)	325.00
29-A	558-A	2	393.209 Steering wheel systems (2nd offense & subsq)	625.00
29-A	558-A	2	395.3(a)(3)(ii) Driving > 8 hours after rest break (1st offense)	325.00
29-A	558-A	2	395.3(a)(3)(ii) Driving > 8 hours after rest break (2nd offense & subsq)	625.00
29-A	558-A	2	395.8(a)(2)(ii) FT timely submit record of duty status to motor carrier (1st offense)	325.00
29-A	558-A	2	395.8(a)(2)(ii) FT timely submit record of duty status to motor carrier (2nd offense & subsq)	625.00
29-A	558-A	2	395.8(d) logbook form and manner violation (1st offense)	325.00
29-A	558-A	2	395.8(d) logbook form and manner violation (2nd offense & subsq)	625.00

An Act To Reclassify Certain Offenses under the Inland Fisheries and Wildlife Laws and Motor Vehicle Laws and Increase the Efficiency of the Criminal Justice System

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

PART A

Sec. A-1. 12 MRSA §10605, sub-§1, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §64 and affected by §422, is further amended to read:

1. Habitual violator defined. For purposes of this section, "habitual violator" means a person whose record, as maintained by the department, shows that:

A. ~~The person has been convicted of 3 or more criminal violations under this Part, 3 or more civil violations under this Part or 3 or more violations under this Part of which at least one is a criminal violation and at least one is a civil violation~~ within the previous 5-year period, except that, whenever more than one criminal violation ~~is or more than one civil violation or multiple violations of which at least one is a criminal violation and at least one is a civil violation~~ are committed at the same time, multiple convictions are deemed to be one offense; ~~or,~~

B. ~~The person has been adjudicated as having committed 3 or more civil violations under this Part and convicted of 2 or more Class E crimes as a result of such prior adjudications within the previous 5-year period.~~

Sec. A-2. 12 MRSA §11109, sub-§1, as amended by PL 2015, c. 281, Pt. A, §4, is further amended to read:

1. License required. Except as otherwise authorized pursuant to this Part, a person may not engage in an activity for which a license may be issued under this section unless that person has a valid license issued under this section. An electronic license or permit fulfills the requirement under this subsection that a person must have a physical paper license or permit if the electronic license or permit can be displayed upon request to a game warden or other law enforcement officer, an employee of the department, a registered Maine guide or the owner of the land on which the licensed activity is taking place. ~~Each~~ Except as otherwise provided in this section, each day a person violates this subsection that person commits a Class E crime for which a minimum fine of \$50 and an amount equal to twice the applicable license fee must be imposed.

Sec. A-3. 12 MRSA §11109, sub-§3, ¶A, as amended by PL 2017, c. 164, §8, is further amended to read:

A. A resident junior hunting license, for a person under 16 years of age, is \$8 and permits hunting of all legal species, subject to the permit requirements in subchapter 3. Notwithstanding the permit fees established in subchapter 3, a resident junior hunting license includes all permits, stamps and other permissions needed to hunt at no additional cost. A license holder under this paragraph who qualifies to hunt during the special season on deer under section 11153 and who meets the eligibility requirements of section 11106 must have included in that person's license one antlerless deer permit and one either-sex permit. A resident junior hunting license does not exempt the holder of the license from lottery-related application requirements under this Part. A resident under 16 years of age who hunts without a resident junior hunting license commits a civil violation punishable by a fine of \$50 for each day of violation.

Sec. A-4. 12 MRSA §11109, sub-§3, ¶F, as amended by PL 2019, c. 501, §8, is further amended to read:

F. A nonresident junior hunting license, for a person under 16 years of age, is \$35 and permits hunting of all legal species, subject to the permit requirements in subchapter 3. Notwithstanding the permit fees established in subchapter

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3, a nonresident junior hunting license includes all permits, stamps and other permissions needed to hunt at no additional cost. A license holder under this paragraph who qualifies to hunt during the special season on deer under section 11153 and who meets the eligibility requirements of section 11106 must have included in that person's license one antlerless deer permit and one either-sex permit. A nonresident junior hunting license does not exempt the holder of the license from lottery-related application requirements under this Part. A nonresident under 16 years of age who hunts without a nonresident junior hunting license commits a civil violation punishable by a fine of \$70 for each day of violation.

Sec. A-5. 12 MRSA §11159, sub-§1, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

1. Permit required. Except as otherwise authorized in this Part, a person may not engage in the practice of falconry unless that person has a valid permit issued under this section. Each day a person violates this subsection that person commits a ~~Class E crime~~ civil violation for which a ~~minimum~~ fine of \$50 and an amount equal to twice the applicable license fee ~~must~~ may be imposed.

~~**Sec. A-6. 12 MRSA §11212 A, sub-§5**, as amended by PL 2019, c. 325, §4, is further amended to read:~~

~~**5. Possession of wild animals or wild birds.** A person may not possess a wild animal or wild bird taken in violation of subsection 2 or 3, except as otherwise provided in this Part. A person who possesses a wild animal or wild bird in violation of this subsection commits a civil violation punishable by a fine of up to \$300.~~

~~**Sec. A-7. 12 MRSA §11212 A, sub-§6**, as enacted by PL 2017, c. 176, §2, is amended to read:~~

~~**6. Penalty.** Except as provided in subsection 5, a [A] person who violates this section commits a Class E crime.~~

Sec. A-8. 12 MRSA §11214, sub-§1, ¶F, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

F. Hunt migratory game birds with a shotgun of any description originally capable of holding more than 3 shells, unless the shotgun's magazine has been cut off, altered or plugged with a one-piece filler incapable of removal without disassembling the gun so as to reduce the capacity of the gun to not more than 3 shells in the magazine and chamber combined. A person who violates this paragraph commits a civil violation punishable by a fine of up to \$100. This paragraph does not apply to:

(1) Military organizations authorized by law to bear arms or to the National Guard in the performance of its duty;

Sec. A-9. 12 MRSA §11214, sub-§1, ¶I, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

I. Allow duck decoys to remain in waters of Merrymeeting Bay at any time during the period from one hour after legal shooting time until one hour before legal shooting time the next day. A person who violates this paragraph commits a civil violation punishable by a fine of up to \$50;

Sec. A-10. 12 MRSA §11214, sub-§1, ¶J, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

J. Leave or allow to remain in waters of Merrymeeting Bay an artificial cover, that is, a "stationary blind," or parts of an artificial cover used for hunting purposes between one hour after legal shooting time and one hour before legal shooting time the next day. A person who violates this paragraph commits a civil violation punishable by a fine of up to \$50;

Sec. A-11. 12 MRSA §11214, sub-§2, as enacted by PL 2003, c. 655, Pt. B, §146 and affected by §422, is amended to read:

2. Penalty. ~~A~~Except as provided in subsection 1, paragraphs F, I and J, a person who violates subsection 1 commits a Class E crime.

Sec. A-12. 12 MRSA §11301, sub-§2, as enacted by PL 2003, c. 655, Pt. B, §157 and affected by §422, is amended to read:

2. Penalty. A person who violates subsection 1 commits a civil violation punishable by a fine of up to \$125. A person who violates this section~~subsection 1-A~~ commits a Class E crime.

Sec. A-13. 12 MRSA §11302, sub-§3, as enacted by PL 2003, c. 655, Pt. B, §158 and affected by §422, is amended to read:

3. Penalty. ~~A person who violates this section commits a Class E crime~~civil violation punishable by a fine of up to \$150 ~~250~~.

Sec. A-14. 12 MRSA §12051, sub-§1, as repealed and replaced by PL 2013, c. 588, Pt. A, §16, is amended to read:

1. Open training season. Unless otherwise provided in this Part, a person may not train dogs on wild birds and wild animals except as follows.

A. A person may train dogs on foxes, snowshoe hare and raccoons from July 1st through the following March 31st, including Sundays.

B. A person may train sporting dogs on wild birds at any time, including Sundays.

C. A resident may train up to 6 dogs at any one time on bear from July 1st to the 4th day preceding the open season on hunting bear, except in those portions of Washington County and Hancock County that are situated south of Route 9.

Except on Sundays, a person may not engage in activities authorized under this subsection unless that person possesses a valid hunting license issued under section 11109. A person may train dogs on pen-raised birds at any time without a license. For the purpose of this subsection, "pen-raised birds" includes, but is not limited to, quail, pheasant, pigeons and Hungarian partridge.

A person who violates this subsection commits a ~~Class E crime~~civil violation punishable by a fine of up to \$100.

~~**Sec. A-15. 12 MRSA §12051, sub-§6**, as enacted by PL 2013, c. 247, §2 and c. 286, §2, is amended to read:~~

~~**6. Effect of revocation.** A person may not train dogs under this section if that person has a suspended or revoked license pursuant to section 10902. A person who violates this subsection commits a civil violation punishable by a fine of up to \$100.~~

Sec. A-16. 12 MRSA §12054, sub-§2, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

2. Rabbit hound field trials. A person may not hold field trials for beagles and other rabbit hounds except from September 1st through the following April 10th. A person who violates this subsection commits a ~~Class E crime~~civil violation punishable by a fine of up to \$100.

Sec. A-17. 12 MRSA §12055, sub-§1, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

1. License required. A club or organization may not hold field trials as provided under this section unless the club or organization has a valid license issued under this section. Each day a person violates this subsection that person commits a ~~Class E crime for which a minimum fine of \$50 and~~ civil violation for which a fine in of \$50 and an amount equal to twice the applicable license fee ~~must~~may be imposed.

Sec. A-18. 12 MRSA §12101, sub-§1-A, as enacted by PL 2003, c. 655, Pt. B, §199 and affected by §422, is amended to read:

1-A. License required. A person may not charge others for the opportunity to hunt mallard ducks, pheasants, quail, Chukar partridge and Hungarian partridge in an area or establish a commercial shooting area for such purposes unless that person has a valid license issued under this section. Each day a person violates this subsection that person commits a ~~Class E crime for which a minimum fine of \$50 and~~ civil violation for which a fine in of \$50 and an amount equal to twice the applicable license fee ~~must~~may be imposed.

A. Nothing in this subsection prohibits the operator of a commercial shooting area from authorizing a person to hunt other wild birds or wild animals in the commercial shooting area during the regular open season on those species, in accordance with this Part, as long as the person possesses a valid state hunting license that allows the hunting of those wild birds and wild animals.

Sec. A-19. 12 MRSA §12508, sub-§1, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

1. License required. A person who owns a private pond may not charge others for the opportunity to fish in that private pond unless the owner of that pond possesses a valid private fee pond license issued by the commissioner under this section.

Each day a person violates this subsection, that person commits a ~~Class E crime for which a minimum fine of \$50 and~~ civil violation for which a fine in of \$50 and an amount equal to twice the applicable license fee ~~must~~may be imposed.

Sec. A-20. 12 MRSA §12551-A, sub-§5, ¶B, as enacted by PL 2003, c. 655, Pt. B, §259 and affected by §422, is amended to read:

B. The holder of a live bait retailer's license:

(1) May not take or possess for the purposes of retail sale live baitfish or smelts from the inland waters of the State or private ponds;

(2) Shall present a receipted invoice, bill of lading, bill of sale or other satisfactory evidence of the lawful possession of live baitfish or smelts for retail sale to any agent of the commissioner upon request. A person who violates this subparagraph commits a civil violation punishable by a fine of up to \$175; or

(3) May not possess at that person's place of business any species of fish that may not legally be sold as bait.

~~Each~~Except as provided in subparagraph (2), each day a person violates this paragraph that person commits a ~~class~~Class E crime.

Sec. A-21. 12 MRSA §12551-A, sub-§6, ¶B, as enacted by PL 2003, c. 655, Pt. B, §259 and affected by §422, is amended to read:

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An Act To Reclassify Certain Offenses under the Inland Fisheries and Wildlife Laws and Motor Vehicle Laws and Increase
the Efficiency of the Criminal Justice System

B. The holder of a baitfish wholesaler's license may not:

- (1) When engaged in taking, or assisting in taking, live baitfish for resale from inland waters, fail to exhibit a baitfish wholesaler's license to any agent of the commissioner upon request. A person who violates this subparagraph commits a civil violation punishable by a fine of up to \$175;
- (2) Take baitfish other than by use of a seine as defined in section 10001, subsection 55; a baitfish trap as defined in section 10001, subsection 7; a dip net, a drop net, a lift net or a bag net; or by hook and line;
- (3) Attempt to take live bait for resale from the inland waters of the State by fishing through the ice using drop nets unless the holder marks all holes made in the ice by the holder for that purpose. The holes must be marked by suspending at least one strand of fluorescent biodegradable tape at least 3 feet above the ice around the entire perimeter of the hole so that the tape is visible from all sides;
- (4) Take eels;
- (5) Take or sell suckers, Genus Catostomus, greater than 10 inches in length between April 1st and September 30th of each year; or
- (6) Possess at that person's place of business any species of fish that may not legally be sold as bait.

~~Each~~Except as provided in subparagraph (1), each day a person violates this paragraph that person commits a ~~class~~Class E crime.

Sec. A-22. 12 MRSA §12551-A, sub-§7, ¶B, as amended by PL 2005, c. 237, §3, is further amended to read:

B. The holder of a smelt wholesale dealer's license may not:

- (1) When engaged in taking, or assisting in taking, live smelts for resale from inland waters, fail to exhibit the license to any agent of the commissioner upon request. A person who violates this subparagraph commits a civil violation punishable by a fine of up to \$175;
- (2) Take multiple bag limits from waters governed by general rules regulating the taking of smelts in order to attain the 8-quart limit of smelts described in paragraph A, subparagraph (2);
- (3) Use a seine to take smelts;
- (4) Transport or possess at the holder's business facility more than the daily bag limit of smelts at any time unless the smelts were acquired in accordance with paragraph A, subparagraph (4). If the smelts were purchased from another person, the license holder must present a receipted invoice, bill of lading or bill of sale to any agent of the commissioner upon request;
- (5) Transport from an inland water source to the licensee's place of business more than 8 quarts of live smelts;
- (6) Permit any person to transport live smelts on the license holder's behalf directly from an inland water source;
- (7) Attempt to take from the inland waters of the State live smelts for resale using drop nets through the ice unless the license holder marks all holes made in the ice by that license holder for that purpose. The holes must be marked either by evergreen boughs placed around the hole or by suspending at least one strand of fluorescent

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biodegradable tape at least 3 feet above the ice around the entire perimeter of the hole so that the tape is visible from all sides;

(8) Take smelts unless the holder uses an operable commercially manufactured number 14 fish grader to sort smelts by size during the taking of smelts. The holder shall liberate immediately all undersized smelts alive into the waters from which they were taken. For the purpose of this subparagraph, a commercially manufactured number 14 grader is a grader having a minimum grate size of 14/64 inches and that allows smelts to pass through at least 2 sides and the bottom of the grader. The commissioner may adopt rules to amend the grate size restrictions under this subparagraph if the commissioner determines such rules are necessary for conservation or enforcement purposes;

(9) Possess at that person's place of business any species of fish that may not legally be sold as bait;

(10) Use particles of food or any other type of bait or lure except light to lure smelts to a drop net or a lift net; or

(11) Use a dip net to take smelts unless that dip net meets the requirements under section 10001, subsection 12-A.

~~Each~~ Except as provided in subparagraph (1), each day a person violates this paragraph that person commits a Class E crime.

PART B

Sec. B-1. 29-A MRSA §351, sub-§1, ¶B, as amended by PL 2001, c. 671, §3, is further amended to read:

B. A ~~Class E crime~~ ~~civil violation-traffic infraction punishable by~~ for which a fine of up to \$50-\$200 may be adjudged if the vehicle was not registered or the registration has been expired for 150 days or more.

Sec. B-1A 29-A MRSA §351, sub-§1-A, ¶B, is further amended to read

B. A ~~Class E crime~~ ~~traffic infraction for which a fine of up to \$200 may be adjudged~~ if more than 150 days have elapsed since establishing residency.

Sec. B-1B 29-A MRSA §351, sub-§5, ¶B, is further amended to read

B. A ~~Class E crime~~ ~~traffic infraction for which a fine of not more than \$200 may be adjudged~~ if the registration has been expired for 150 days or more.

~~**Sec. B-2. 29-A MRSA §956, sub-§6**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:~~

~~**6. Penalty.** Violation of this section subsection 4 is a Class E crime. Violation of subsection 1, 2 or 5 is a civil violation punishable by a fine of \$250.~~

Sec. B-3. 29-A MRSA §1251, sub-§1, as amended by PL 2013, c. 24, §1, is further amended to read:

1. Violation. Except as provided in section 510, subsection 1, a person commits an offense of operating a motor vehicle without a license if that person operates a motor vehicle on a public way or parking area:

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A. Without being licensed. Violation of this paragraph is a ~~Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A~~ civil violation traffic infraction punishable by for which a fine of up to \$75-200 may be adjudged;

B. In violation of a condition or restriction on the license. Violation of this paragraph is a ~~Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A~~ civil violation traffic infraction punishable by for which a fine of up to \$150-175 may be adjudged;

C. Without a license issued by this State if a resident of this State for more than 30 days but fewer than 90 days. Violation of this paragraph is a traffic infraction;

D. Without a license issued by this State if a resident of this State for more than 90 days. Violation of this paragraph is a ~~Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A~~ civil violation traffic infraction punishable by for which a fine of up to \$75-200 may be adjudged; or

E. Unless a permit is issued pursuant to subsection 7, with a license issued by this State that expired within the previous 90 days. Violation of this paragraph is a traffic infraction.

Sec. B-4. 29-A MRSA §1251, sub-§1-A, ¶B, as enacted by PL 1999, c. 771, Pt. C, §9 and affected by Pt. D, §§1 and 2, is amended to read:

B. A ~~Class E crime~~ civil violation traffic infraction punishable by for which a fine of up to \$75-200 may be adjudged if the person has been a resident for at least 90 days.

Sec. B-5. 29-A MRSA §1252, sub-§7, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

7. Violation. A person commits a ~~Class E crime~~ civil violation traffic infraction punishable by for which a fine of up to \$150-175 may be adjudged if that person operates a vehicle not included within the class of license issued to that person.

Sec. B-6. 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~~ civil violation traffic infraction punishable by for which a fine of up to \$50-100 may be adjudged if that person, after notice of suspension, fails or refuses to return every license, registration certificate and registration plate.

Sec. B-7. 29-A MRSA §1605, sub-§6, as amended by PL 2017, c. 165, §5, is further amended to read:

6. Operating without giving proof. A person commits a ~~Class D crime~~ civil violation traffic infraction punishable by for which a fine of \$50-225 may be assessed if that person is required to maintain proof of financial responsibility and, without authorization from the Secretary of State and without that proof, operates a vehicle or knowingly permits a vehicle owned by that person to be operated by another on a public way.

Sec. B-8. 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~~ civil

~~violation traffic infraction punishable by for which a fine of \$75 may be adjudged.~~ This section applies to all persons, including the owner of the vehicle.

Sec. B-9. 29-A MRSA §1860, as enacted by PL 1995, c. 65, Pt. A, §105 and affected by §153 and Pt. C, §15, is amended to read:

§ 1860. Abandonment on an island

A person may not abandon a motor vehicle on any property on an island without consent of the owner of the property. The State, municipality or other political subdivision having jurisdiction over the island may order the owner of a vehicle illegally abandoned on an island to remove it at the vehicle owner's expense. If the owner of the vehicle refuses to remove the motor vehicle, or if the owner is unknown, the State or political subdivision may cause the vehicle to be removed from the island and may require reimbursement from the owner for the removal and the administrative and legal costs. Neither the State nor any political subdivision of the State is liable for any damage to the motor vehicle that may be caused by the removal. Failure to remove an illegally abandoned vehicle on an island within 30 days after written warning, or within 30 days of ice-out if ice prevents the island from being reasonably accessible, is a ~~Class E crime~~ civil violation traffic infraction punishable by for which a fine of up to \$50 100 may be adjudged.

Sec. B-10. 29-A MRSA §2102, sub-§1, as amended by PL 2009, c. 493, §2, is further amended to read:

1. Display revoked, mutilated, fictitious or fraudulently altered driver's license or identification card. A person commits a ~~Class E crime~~ civil violation traffic infraction punishable by for which a fine of up to \$150 may be adjudged if that person displays a revoked, mutilated, fictitious or fraudulently altered driver's license or identification card issued or represented to be issued by this State or any other state or province.

Sec. B-11. 29-A MRSA §2102, sub-§1-A, as amended by PL 2009, c. 493, §2, is further amended to read:

1-A. Possess revoked, mutilated, fictitious or fraudulently altered driver's license or identification card. A person commits a ~~Class E crime~~ civil violation traffic infraction punishable by for which a fine of up to \$150 may be adjudged if that person possesses a revoked, mutilated, fictitious or fraudulently altered driver's license or identification card issued or represented to be issued by this State or any other state or province.

Sec. B-12. 29-A MRSA §2104, as amended by PL 2015, c. 176, §5, is further amended to read:

§ 2104. Improper plates

1. Attaching false plates. A person commits a ~~Class E crime~~ civil violation traffic infraction punishable by for which a fine of up to \$150 may be adjudged if that person attaches to a vehicle a registration plate assigned to another vehicle or not currently assigned to that vehicle.

1-A. Permitting attachment of false plates. A person commits a ~~Class E crime~~ civil violation traffic infraction for which punishable by a fine of up to \$100 150 may be adjudged if that person permits to be attached to a vehicle a registration plate assigned to another vehicle or not currently assigned to that vehicle.

1-B. Permitting display of false registration validation device. A person commits a ~~Class E crime~~ traffic infraction for which a fine of up to \$150 may be adjudged if that person permits to be attached or displayed on a vehicle registration plate a registration validation device issued for another vehicle.

2. False identification. A person commits a ~~Class E crime~~ civil-violation traffic infraction for which punishable by a fine of up to \$50 150 may be adjudged if that person obscures identification numbers, identification letters, the state name, validation sticker or mark distinguishing the type of plate attached to a vehicle.

3. Manufacturing or reproduction of plates. A person commits a Class D crime if that person manufactures or reproduces registration plates without the consent of the Secretary of State.

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

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

Sec. B-12A. 29-A MRSA §2308, sub-§5, is amended to read

~~E.~~ 5-A. Notwithstanding subsection 6, a person who violates this subsection commits a traffic infraction.

~~**Sec. B-13. 29-A MRSA §2308, sub-§6,** as amended by PL 2019, c. 318, §4, is further amended to read:~~

~~**6. Penalty.** A violation of subsection 2 is a Class E crime that is punishable by a \$250 minimum fine for the first offense and a mandatory 30-day suspension of a driver's license for a 2nd offense occurring within 3 years of the first offense. A violation of subsection 4 is a civil-violation traffic infraction punishable by a fine of \$125.~~

Sec. B-14. 29-A MRSA §2412-A, sub-§1-A, as amended by PL 2009, c. 297, §1, is further amended to read:

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

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

- (1) Has received written notice of a suspension or revocation from the Secretary of State or a court;
- (2) Has been orally informed of the suspension or revocation by a law enforcement officer or a court;
- (3) Has actual knowledge of the suspension or revocation;
- (4) Has been sent written notice in accordance with section 2482 or former Title 29, section 2241, subsection 4;
or
- (5) Has failed to answer or to appear in court pursuant to a notice or order specified in section 2605 or 2608;

B. Violates paragraph A and the suspension was for OUI or an OUI offense;

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

- (1) Has one prior conviction for violating this section;

(2) Has 2 prior convictions for violating this section; or

(3) Has 3 or more prior convictions for violating this section; or

D. Violates paragraph A, the suspension was not for OUI or an OUI offense and the person has one or more prior convictions for violating this section.

Except for an offense under paragraph A, subsection 8 or as otherwise provided, operating while license suspended or revoked is a Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. A violation of paragraph A is a civil violation traffic infraction for which punishable by a fine of \$125 up to \$250 may be adjudged.

Sec. B-15. 29-A MRSA §2412-A, sub-§8, is repealed. as amended by PL 2009, c. 493, §3, is further amended to read:

~~8. **Traffic infraction.**—A person commits a traffic infraction operating while license suspended as described in subsection 1-A, paragraph A if the person has not been convicted or adjudicated of a 2 prior offense~~offenses~~ under this section and the sole basis for the suspension is:~~

~~A. Failure to pay a fine;~~

~~B. Failure to pay a license reinstatement fee; or~~

~~C. Suspension for a dishonored check.~~

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

§ 2417. Suspended registration

A person commits a ~~Class E offense~~ civil violation traffic infraction for which punishable by a fine of up to \$125 200 may be adjudged if that person operates or permits another to operate a vehicle when the registration of that vehicle is suspended or revoked.

Sec. B-17. 29-A MRSA §2551-A, is amended to read

§2551-A. Habitual offender

1. Habitual offender defined. An habitual offender is a person whose record, as maintained by the Secretary of State, shows that:

A. The person has accumulated 3 or more convictions or adjudications for distinct offenses described in this paragraph arising out of separate acts committed within a 5-year period:

(1) Homicide resulting from the operation of a motor vehicle;

(2) OUI conviction;

(3) Driving to endanger, in violation of section 2413;

(4) Operating after suspension or revocation, in violation of subsections 2412-A(B), (C), and (D);

(5) Operating without a license;

(6) Operating after revocation, in violation of former section 2557, section 2557-A or section 2558;

(7) Knowingly making a false affidavit or swearing or affirming falsely in a statement required by this Title or as to information required in the administration of this Title;

(8) A Class A, B, C or D offense in which a motor vehicle is used;

(9) Leaving the scene of an accident involving injury or death, in violation of section 2252;

(10) Leaving the scene of an accident involving property damage, in violation of section 2253, 2254 or 2255;

(11) Eluding an officer, in violation of section 2414;

(12) Passing a roadblock, in violation of section 2414, subsection 4;

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- (13) Operating a motor vehicle at a speed that exceeds the maximum speed limit by 30 miles per hour or more; and
(14) For a person whose license is reinstated pursuant to section 2412-A, subsection 7 or section 2508, operating a motor vehicle without an ignition interlock device; tampering with or circumventing the operation of an ignition interlock device; or requesting or soliciting another person to blow into or otherwise activate an ignition interlock device for the purpose of providing the person with an operable motor vehicle; or
B. The person has accumulated 10 or more convictions or adjudications for moving violations arising out of separate acts committed within a 5-year period.

PART C

Sec. C-1. 17-A MRSA §4-B, subsection 4 is amended to read:

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

Sec. C-2. 17-A MRSA §4-B, subsection 5 is enacted to read:

5. A law enforcement officer who has probable cause to believe that a violation of law has taken place or is taking place may make application for a search warrant.

Drafter: JO

Date: July 17, 2020

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**Proposed Committee Amendment to LD 2037
An Act to Amend the Maine Criminal Code
Proposed by Rep Charlotte Warren and Rep Pinny Beebe-Center**

Amend the bill by adding at the end a new Part E to read:

PART E

Sec. E-1. Annual reporting required. The Maine Information and Analysis Center, a cooperative effort between the Maine Emergency Management Agency and the Maine State Police, established by Executive Order of Governor John E. Baldacci in 2006, and referred to hereinafter as “the center,” shall report annually in writing by February 1 each year beginning February 1, 2021, to the joint standing committee having jurisdiction over criminal justice and public safety matters regarding the performance of the center. The reports must include a narrative of the types of cases, crimes, incidents and reports the center has reviewed and evaluated in a manner that protects personal privacy and the integrity of the work of the center. They must include both privacy audits performed in the prior year and de-identified information regarding the crimes, cases, incidents and reports on which the center worked during the prior year.

SUMMARY

This amendment adds Part E to the bill, requiring annual written reports from the Maine Information and Analysis Center by February 1 each year beginning February 1, 2021, to the joint standing committee having jurisdiction over criminal justice and public safety matters regarding the performance of the center. The reports must include a narrative of the types of cases, crimes, incidents and reports the center has reviewed and evaluated in a manner that protects personal privacy and the integrity of the work of the center. They must include both privacy audits performed in the prior year and de-identified information regarding the crimes, cases, incidents and reports on which the center worked during the prior year.

Drafter: JO

Date: July 18, 2020

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An Act To Amend the Maine Criminal Code

Proposed Committee Amendment to LD 2037, Part A

(Proposed by John Pelletier, CLAC)

Amend the bill in Part A to read as follows:

PART A

Sec. A-1. 17-A MRSA §1609, as enacted by PL 2019, c. 113, Pt. A, §2, is repealed.

Sec. A-2. 17-A MRSA §1609-A is enacted to read:

§1609-A. Discretionary sentence.

Notwithstanding section 1608, when an individual subject to an undischarged term of imprisonment is convicted of a crime committed while in execution of any term of imprisonment, is convicted of a crime committed during a stay of execution of any term of imprisonment, is convicted of a crime committed after failure to report after a stay of execution of any term of imprisonment or is convicted of failure to report as ordered after a stay of execution of any term of imprisonment, the court may order that the sentence is not concurrent with any undischarged term of imprisonment. If the court orders that the sentence is not concurrent, the court may order that any undischarged term of imprisonment be tolled and service of the nonconcurrent sentence commence immediately, and the court shall so order if any undischarged term of imprisonment is a split sentence. No portion of the nonconcurrent sentence may be suspended. Any nonconcurrent sentence that the convicted individual receives as a result of an order entered pursuant to this subsection must be nonconcurrent with all other sentences.

SUMMARY

This amendment amends Part A of the bill. The amendment repeals Title 17-A, section 1609, which requires a sentence to be nonconcurrent if it is imposed for a crime committed or attempted to be committed while the person is serving a sentence. The amendment enacts a new section 1609-A, which grants to the court discretion to impose a sentence that is nonconcurrent if it is imposed for a crime committed or attempted to be committed while the person is serving a sentence or while a stay of execution of a sentence has been imposed.