



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1021

H.P. 757

House of Representatives, March 10, 2011

An Act To Transfer Jurisdiction of Traffic Adjudications

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative MOULTON of York.

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

2 **Sec. 1. 29-A MRSA c. 3, sub-c. 4** is enacted to read:

3 **SUBCHAPTER 4**

4 **ADMINISTRATIVE ADJUDICATION OF TRAFFIC INFRACTIONS**

5 **§281. Transfer of authority to adjudicate traffic infractions**

6 The authority to adjudicate traffic infractions is transferred from the District Court to
7 the Secretary of State effective January 1, 2014.

8 **§282. Administrative adjudication of traffic infractions**

9 Effective January 1, 2014, the Secretary of State shall administratively hear and
10 determine all traffic infractions.

11 **Sec. 2. Report.** The Secretary of State, in consultation with the Administrative
12 Office of the Courts, shall develop and submit to the First Regular Session of the 126th
13 Legislature by February 1, 2013 a report that includes recommendations and legislation
14 necessary to implement the transfer of authority as provided in section 1. The report must
15 address at least the following elements:

- 16 1. Elimination of District Court jurisdiction over traffic infractions;
- 17 2. The need for the replacement or upgrade of computer software and support
18 systems at the Judicial Branch Violations Bureau;
- 19 3. Implementation of a Department of the Secretary of State, Bureau of Motor
20 Vehicles and Judicial Branch Violations Bureau computer system interface;
- 21 4. Immediate availability of data;
- 22 5. Options for improving suspension notification procedures originating from the
23 judicial branch. All persons whose licenses are suspended by the court, including those
24 notified directly by the judicial branch, must also receive notification from the Secretary
25 of State;
- 26 6. Staffing policies and procedures at the Judicial Branch Violations Bureau with the
27 goal of providing data to the Secretary of State on violations and patterns of driving
28 behavior;
- 29 7. The administrative hearing process, including standard of proof;
- 30 8. Appeals from administrative hearings to the Secretary of State, including the
31 appropriate standard of review;
- 32 9. Personnel requirements, including hearing examiners;

- 1 9. Personnel requirements, including hearing examiners;
- 2 10. The application of the Law Enforcement Agency Reimbursement Fund;
- 3 11. Fines remitted to the Penobscot Nation or the Passamaquoddy Tribe based on the
4 participation of tribal law enforcement agencies, as required in the Maine Revised
5 Statutes, Title 4, section 1059;
- 6 12. The use of and responsibility for the Uniform Summons and Complaint and the
7 Violations Summons and Complaint;
- 8 13. The establishment of a schedule of fines for traffic infractions;
- 9 14. Consequences for failure to appear at an administrative hearing; and
- 10 15. The goals included in the December 16, 2009 report, "Enhancing Public Safety
11 & Improving Citizen Service: A Report of the Maine Judicial Branch & Maine
12 Department of the Secretary of State."