



128th MAINE LEGISLATURE

SECOND REGULAR SESSION-2018

Legislative Document

No. 1678

H.P. 1166

House of Representatives, December 20, 2017

**An Act To Amend the Laws Affecting the Judicial Branch
Regarding Railroad Trespass Civil Violations and Fines for Civil
Violations**

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 18, 2017. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

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

ROBERT B. HUNT
Clerk

Presented by Representative MOONEN of Portland.
Cosponsored by Senator KEIM of Oxford.

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

2 **Sec. 1. 4 MRSA §171-A, sub-§2**, as enacted by PL 1991, c. 733, §1, is amended
3 to read:

4 **2. Civil violations.** When a complaint is made to the proper officer of the District
5 Court charging a person with the commission of a civil violation other than a traffic
6 infraction, the officer of the District Court shall cause to be served upon the person a
7 Uniform Summons and Complaint or other process in such form and under such
8 circumstances as the Supreme Judicial Court shall by rule provide. The clerk of each
9 division may accept an admission to a civil violation upon payment of a fine and
10 surchARGE in accordance with a schedule of violations, fines and surcharges established by
11 the Chief Judge, which the Chief Judge may amend.

12 **Sec. 2. 23 MRSA §7007, sub-§3, ¶¶A to C**, as amended by PL 2015, c. 204, §1,
13 are further amended to read:

14 A. A person who violates subsection 1 commits a ~~civil violation~~ traffic infraction for
15 which a fine of not less than \$50 and not more than \$100 may be adjudged.

16 B. A person who violates subsection 1 after having previously violated subsection 1
17 commits a ~~civil violation~~ traffic infraction for which a fine of not less than \$250 and
18 not more than \$500 may be adjudged.

19 C. A person who violates subsection 1 after having previously violated subsection 1
20 2 times commits a ~~civil violation~~ traffic infraction for which a fine of not less than
21 \$750 and not more than \$1,000 may be adjudged.

22 **SUMMARY**

23 This bill permits violations of certain railroad trespass provisions to be handled by the
24 District Court's violations bureau in the same way as traffic infractions are handled by
25 changing the violations from civil violations to traffic infractions; under the bill, a
26 violator may waive a court appearance and pay a fine for the violation through the
27 District Court's violations bureau. The bill also establishes the duty of the Chief Judge of
28 the District Court to establish the level of fines for other civil violations for persons
29 charged who wish to waive a court appearance.