

MAINE
JUVENILE COURT
JULY 1975



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Maine Traffic Court Study

(Full Report)

A Publication of
National Center for State Courts
1660 Lincoln Street - Suite 200
Denver, Colorado 80203

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Publication No. R0018

January 1975

This project was supported by an appropriation from the 106th Session of the Maine Legislature and by U. S. Department of Transportation funds provided through Project TC 75-001 of the Maine Highway Safety Program. Points of view reflected in this document do not necessarily represent the position of the U. S. Department of Transportation or the Maine Legislature.

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January 24, 1975

Mr. Roger L. Mallar, Commissioner
Maine Department of Transportation
State Office Building
Augusta, Maine 04330

Dear Commissioner Mallar:

We are pleased to transmit to you our report "Maine Traffic Court Study," prepared pursuant to the contract between the Department of Transportation and the National Center for State Courts.

We have prepared a summary of recommendations with the report. They should be read in the light of the full study. Copies of the report will also be transmitted to members of the Maine Trial Court Revision Commission in order that legislative submissions may be coordinated. We will continue our efforts assisting the Traffic Court Advisory Committee in the preparation of proposed legislation.

It has been a pleasure working with the Committee. We will continue to be available in the pursuit of improvements in the handling of traffic matters in the state.

Very truly yours,



Samuel Domenic Conti
Regional Director

sdc/gt

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FOREWORD

Maine's Traffic Court Advisory Committee was created as a result of the desire to reform the present method of handling traffic violations.

The National Center for State Courts was selected to study the present methods of handling traffic cases and propose improvements. It is anticipated that the recommendations set forth in this study will result in constructive legislative and administrative changes to improve the present methods.

The Committee has discussed and debated the recommendations included in this report. The recommendations reflect the views of the Committee and not in all instances those of the National Center for State Courts.

ACKNOWLEDGMENTS

During the course of this study we were impressed by the interest in court reform displayed by the persons contacted, and by their willingness to grant interview time during busy schedules. Their candor was beneficial in helping us get to the root of the problems rapidly.

To all the persons we interviewed we express our appreciation and the hope that we have reflected their ideas accurately. Although we have not always agreed, we have developed a great respect for the forthright citizens of Maine.

Those interviewed include:

Hon. Israel Alpren, Judge, District Court
Donald J. Bardell, Deputy Commissioner and Counsel, Motor Vehicle Department, Albany, New York
Edward Bernstein, Clerk of Courts, Cumberland County
Hon. Robert Browne, Justice, Superior Court
Fred Campbell, Department of Transportation
Alan Clark, Division of Data Processing, Hudson County, New Jersey
Hon. F. Davis Clark, Judge, District Court
Nancy B. Eldridge, Clerk of Courts, Hancock County
Ann Feeney, Clerk of District Court, Bath
Mary Godbout, Clerk of District Court, Augusta
Dana Hagerthy, Chief Clerk of Superior Court
Mildred Hewett, Clerk of District Court, Sanford
Isabelle Hickey, Clerk of District Court, Saco
Robert J. Hogan, Motor Vehicle Department, Albany, New York
Thelma Holmes, Clerk of District Court, Bangor

Yvette Houle, Clerk of District Court, Lewiston
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Charles Wyman, Director, Motor Vehicle Division

I. Summary of Recommendations

Summary of Recommendations

1. ALL BUT THE MOST SERIOUS TRAFFIC OFFENSES SHOULD BE RECLASSIFIED AS LESSER OFFENSES TO BE KNOWN AS "TRAFFIC INFRACTIONS." THESE OFFENSES SHOULD BE NON-CRIMINAL IN NATURE, PERMITTING NO RIGHT TO TRIAL BY JURY. SANCTION FOR TRAFFIC INFRACTIONS SHOULD NOT INCLUDE INCARCERATION. ... p. 14
2. ALTHOUGH TRAFFIC OFFENSES SHOULD BE RECLASSIFIED, ADJUDICATION OF THEM SHOULD REMAIN A FUNCTION OF THE JUDICIAL BRANCH OF GOVERNMENT. MAINE SHOULD ADOPT NEITHER A PARA-JUDICIAL NOR AN ADMINISTRATIVE METHOD OF ADJUDICATION OF TRAFFIC MATTERS. ... p. 20
3. IN ALL TRAFFIC CASES THE COMPLAINT OR INFORMATION AND SUMMONS SHOULD BE IN THE FORM KNOWN AS THE "UNIFORM TRAFFIC TICKET AND COMPLAINT" AND SHOULD BE USED BY ALL STATE AND LOCAL POLICE. THE UNIFORM TRAFFIC TICKET AND COMPLAINT SHOULD BE NUMBERED SERIALY WITH INDIVIDUAL TICKETS IN QUADRUPLICATE WITH DIFFERENT COLORED SHEETS OF SENSITIZED PAPER FOR COMPLAINTS, SUMMONS, POLICE RECORD, AND AN ABSTRACT OF COURT RECORD FOR MOTOR VEHICLE DIVISION. THE TICKET SHOULD BE DESIGNED BY A SPECIAL COMMITTEE

COMPOSED OF REPRESENTATIVES FROM AGENCIES INVOLVED WITH TRAFFIC MATTERS. THE TICKET SHOULD BE DESIGNED TO MEET LEGAL AND ADMINISTRATIVE REQUIREMENTS, AND A CONTINUING REVIEW SHOULD BE MADE OF ITS DESIGN AND EFFECTIVENESS. ACCURATE RECORDS MUST BE KEPT OF THE DISTRIBUTION OF TICKETS IN BULK TO POLICE DEPARTMENTS, THEIR ISSUANCE IN "BOOKS" TO OFFICERS, AND THEIR INDIVIDUAL DISPOSITION BY OFFICERS. THERE SHOULD BE AN ANNUAL AUDIT OF SUCH RECORDS BY THE STATE DEPARTMENT OF AUDIT. ... P. 31-32

4. THE STATUTE ALLOWING WAIVER OF COURT APPEARANCE FOR CERTAIN TRAFFIC OFFENSES SHOULD BE AMENDED TO ALLOW WAIVER BY OCCASIONAL OFFENDERS. A POLICY OF ALLOWING WAIVER OF COURT APPEARANCE WHENEVER CONSISTENT WITH HIGHWAY SAFETY SHOULD BE PROMULGATED AND APPLIED UNIFORMLY IN ALL DIVISIONS OF DISTRICT COURT. THERE SHOULD BE PERIODIC REVIEW AND, WHEN NECESSARY, REVISION OF LEGISLATIVE AND JUDICIAL DETERMINATION OF TRAFFIC OFFENSES FOR WHICH COURT APPEARANCE IS MANDATORY. ... p. 41
5. PERSONS CHARGED WITH TRAFFIC INFRACTIONS SHOULD BE ALLOWED TO ENTER PLEAS WHICH (1) ADMIT THE VIOLATION CHARGED; (2) ADMIT THE VIOLATION CHARGED, WITH AN EXPLANATION; OR (3) DENY THE VIOLATION CHARGED, RATHER THAN TRADITIONAL PLEAS NOW UTILIZED IN CRIMINAL PRACTICE. ... P. 46

6. UNIFORM OPERATING RULES AND PROCEDURES SHOULD BE PROMULGATED AND WORKSHOPS SHOULD BE HELD TO AID CLERKS IN THE OPERATION OF TRAFFIC VIOLATIONS BUREAUS. THE RULES AND PROCEDURES SHOULD BE EXPLAINED IN DETAIL IN A CLERKS MANUAL TO BE DISTRIBUTED TO ALL DIVISIONS OF THE DISTRICT COURT. ... P. 50
7. BY RULE, TRAFFIC INFRACTIONS SHOULD, WHERE POSSIBLE, BE HEARD BY THE COURT IN SEPARATE "TRAFFIC SESSIONS" AND NOT AT THE SAME TIME AS CRIMINAL MATTERS. ... P. 55
8. THERE SHOULD BE A SIMPLIFIED PROCEDURE, GOVERNED BY PUBLISHED RULES AND UNIFORM THROUGHOUT THE STATE, FOR THE TRIAL OF TRAFFIC CASES. BUT APART FROM MODIFICATIONS RECOMMENDED IN THIS REPORT, DEFENDANTS IN TRAFFIC CASES SHOULD BE ENTITLED TO PROCEDURAL SAFEGUARDS ACCORDED CRIMINAL DEFENDANTS. ... P. 59
9. ALL DISTRICT COURT TRAFFIC TRIALS SHOULD BE RECORDED ON THE SOUND RECORDING EQUIPMENT NOW AVAILABLE. STAFF SHOULD BE PROVIDED TO OPERATE RECORDING MACHINES AND LOG THE RECORDINGS. GUIDELINES SHOULD BE PROMULGATED FOR THE USE OF SOUND RECORDING AND FOR THE PREPARATION OF TRANSCRIPTS. ALL APPEALS TO THE SUPERIOR COURT SHOULD BE ON TRANSCRIPTS OF THE RECORD SO PREPARED. ... P. 65

10. AN EXPRESS POLICY SHOULD BE ADOPTED IN THE SUPERIOR AND DISTRICT COURTS REGARDING THE SENTENCES IMPOSED FOR TRAFFIC OFFENSES. THERE SHOULD BE GREATER CONSISTENCY IN FINES IMPOSED, AND UNUSUALLY HIGH OR LOW FINES SHOULD BE SUPPORTED BY REASONABLE JUSTIFICATION. JUDGES SHOULD BE AUTHORIZED GREATER FLEXIBILITY IN ORDERING TEMPORARY SUSPENSION OF AN OPERATOR'S LICENSE. THOSE APPEALING ADJUDICATIONS FOR TRAFFIC INFRACTIONS IN WHICH TEMPORARY SUSPENSION HAS BEEN ORDERED SHOULD BE ENTITLED TO RETAIN THEIR LICENSES PENDING APPEAL, ABSENT A SHOWING OF GOOD CAUSE WHY THEY SHOULD NOT BE SO ENTITLED. FORMAL PROVISION SHOULD BE MADE TO ALLOW A COURT TO IMPOSE A REDUCED OR SUSPENDED SENTENCE OR TO ALLOW DEFERRED PAYMENT OF A FINE FOR THOSE OFFENDERS DEMONSTRATING INABILITY TO PAY. ... P. 69
11. A MIXED SYSTEM OF BATCH PROCESSING, TELETYPE, AND COMPUTER TERMINAL FACILITIES SHOULD BE IMPLEMENTED TO ENABLE COURTS WITH VARYING TRAFFIC CASELOADS TO RETRIEVE PRIOR OFFENSE DATA FROM MOTOR VEHICLE DIVISION AND TO ASSURE ACCURATE REPORTING OF CONVICTION OR ADJUDICATION BY COURTS TO MOTOR VEHICLE DIVISION. A DRIVER'S RECORD OF PRIOR OFFENSES SHOULD BE CONSIDERED ONLY FOR IMPOSITION OF SENTENCE, AND UNDER

NO CIRCUMSTANCE SHOULD IT BE AVAILABLE FOR CONSIDERATION BY THE COURT BEFORE A FINDING OF GUILTY HAS BEEN ENTERED IN THE CASE THEN BEFORE THE COURT. TO PROTECT DRIVERS FOUND NOT TO HAVE COMMITTED ALLEGED TRAFFIC INFRACTIONS, THE RULE OF EXPUNGEMENT SHOULD BE APPLIED... P. 74

12. THE STATUTE ENABLING A MISDEMEANOR DEFENDANT TO HAVE HIS CASE TRANSFERRED TO SUPERIOR COURT FOR JURY TRIAL SHOULD BE REPEALED. A CONSTITUTIONAL AMENDMENT SHOULD BE ADOPTED TO LIMIT CRIMINAL JURY TRIALS TO CASES IN WHICH A PENALTY OF INCARCERATION OR A FINE OF \$500 OR MORE MAY BE IMPOSED.* THE DISTRICT COURT SHOULD BE GIVEN EXCLUSIVE TRIAL JURISDICTION OF ALL TRAFFIC OFFENSES FOR WHICH NO PENALTY OF INCARCERATION OR A FINE OF \$500 OR MORE MAY BE IMPOSED OR FOR WHICH TRIAL BY JURY HAS BEEN WAIVED.

THE PENALTIES NOW IMPOSED FOR EACH TRAFFIC OFFENSE SHOULD BE REVIEWED AND, WHERE NECESSARY, MODIFIED SO THAT ONLY THOSE OFFENSES DEEMED SERIOUS ARE PUNISHABLE BY MEANS GRAVE ENOUGH TO WARRANT A RIGHT TO TRIAL BY JURY. TRIAL DE NOVO IN SUPERIOR COURT SHOULD NOT BE RE-INSTITUTED, AND APPELLATE REVIEW OF TRAFFIC MISDEMEANORS AND INFRACTIONS SHOULD BE LIMITED TO MATTERS OF LAW. ... p. 81

* This portion of the recommendation corresponds to that approved by the Maine Trial Court Revision Commission.

II. Analysis and Recommendations

A. General Approach to Traffic Cases

1. Characterization of Traffic¹ Offenses

In most municipalities, violations of parking ordinances may be disposed of by the payment of fines to municipal authorities. These violations do not come into the courts unless payment is not made in timely fashion. 30 M.R.S.A. §2151(3). However, those motor vehicle violations adjudicated in the courts account for more than two-thirds of the criminal business in District Court. (See Appendix B, Chart 1 and Table 1.)

All traffic violations are considered "crimes" under Maine law.² Traffic violations are classified either as "felonies" or "misdemeanors," depending on the length and place of imprisonment associated with the offense: a felony is an offense punishable by imprisonment for more than one year, in the State Prison (15 M.R.S.A. §§451 and 1703); a misdemeanor is an offense punishable by imprisonment of less than one year or for which no penalty or place of punishment is prescribed (see 15 M.R.S.A. §1741).

Some examples of felony offenses are alteration, forgery, or counterfeiting of an auto title (29 M.R.S.A. §2442), driving while under prohibition as a habitual offender (29 M.R.S.A. §2280), manslaughter by motor

¹Throughout this report, "traffic" and "motor vehicle" are used interchangeably.

²See, for example, State v. Inman, 301 A.2d 348 (Me. 1973) (speeding); State v. Child, 158 Me. 242, 182 A.2d 675 (1962) (reckless operation); Carlson v. State, 158 Me. 15, 176 A.2d 844 (1962) (excessive speed and failure to stop at stop signs); State v. London, 156 Me. 123, 162 A.2d 150 (1960) (vehicular manslaughter); State v. Hopkins, 154 Me. 317, 147 A.2d 450 (1959) (violation of turnpike rules and regulations); and State v. Croteau, 153 Me. 126, 135 A.2d 282 (1957) (driving while intoxicated).

vehicle (see 29 M.R.S.A. §1313), and reckless homicide (29 M.R.S.A. §1315). Other motor vehicle offenses are misdemeanors for which the specific statute defining the offense makes imprisonment a potential penalty. For a large number of misdemeanor motor vehicle offenses no greater punishment than fine or administrative action on the offender's license or his certificate of registration is provided by express statutory language.

These offenses, as well as those for which no penalty is otherwise provided, are all subject to a "general penalty" statute (29 M.R.S.A. §2303 (1957)). (See Appendix D, "Penalties for Maine Traffic Offenses.") This statute provides that any violator of the motor vehicle law is punishable by fine of \$10 to \$100, or imprisonment for not more than 90 days, or both, "when no other penalty is specifically provided." The clause and the statute have been construed in practice as applying to any statute not expressly providing a potential jail penalty.³ Consequently, any

³ The clause quoted here might be read to provide punishment of imprisonment only when a statute makes no mention of a penalty whatsoever. By this reading it would be inapplicable to any statute expressly providing a penalty, even if that penalty were only a fine (which would mean that for some traffic offenses a jail penalty could not be imposed absent a finding of contempt).

traffic offense, however minor, is potentially punishable by incarceration.⁴

Despite the statutory possibility of imprisonment for any motor vehicle offense, jail sentences are rarely imposed. In the Center's three-year sample, imprisonment was imposed in less than two percent of the cases in District Court, and in only eight percent of the cases in the Superior Court. (Furthermore, one-third of the jail sentences imposed in the District Court sample and one-seventh of those in the Superior Court sample were suspended.) (See Appendix B, Charts 20 and 46.) A jail sentence was imposed under the general penalty provision of §2303 in only one (1) of the 984 cases sampled.

Because motor vehicle offenses are considered crimes, traffic defendants are to be accorded the protection of applicable constitutional safeguards, as in other criminal cases. Among these is the right to trial by jury. The

⁴ Motor vehicle offenses for which there is a statutory possibility of imprisonment for more than three months constitute only about three percent of the National Center's sample of traffic cases tried in 1972, 1973, and 1974 in District Court. (See Appendix B, Chart 19.) Those for which any possibility of imprisonment absent application of the general penalty provisions of §2303 constitute only about twenty-one percent of the sampled cases tried in District Court in those years, and drunk-driving cases make up almost half of that twenty-one percent. (Appendix B, Chart 19.) In the Superior Court sample for the same years, cases punishable by imprisonment for more than three months are only about ten percent of the total. (Appendix B, Chart 45.) Those punishable by imprisonment without resort to the general penalty provision are fifty-four percent of the total sample; drunk-driving cases make up over eighty percent of the cases punishable without resort to the general penalty and over forty percent of the total cases sampled. (Appendix B, Chart 45.)

Maine Constitution provides that:

In all criminal prosecutions, the accused shall have a right to have a speedy, public and impartial trial...by a jury of the vicinity. He shall not... be deprived of his life, liberty, property or privileges, but by judgment of his peers or the law of the land.
(M.R.S.A. Const. Art. 1, §6.)

Maine courts have held that the right to jury trial applies in any proceeding characterized as criminal, regardless of its magnitude.⁵ The result has been that a defendant in even the

⁵In Johnson's Case, 1 Me. 230 (1821), decided shortly after Maine became a state, it was held that article 1, section 6 of the Maine Constitution entitles a defendant to appeal to a jury from a conviction by a Justice of the Peace in a misdemeanor case. Subsequent decisions of the Supreme Judicial Court uniformly followed the position taken in Johnson's Case: see, for example, Saco v. Wentworth, 37 Me. 165 (1853); State v. Intoxicating Liquors, 80 Me. 57, 12 A. 794 (1888); Sprague v. Androscoggin County, 104 Me. 352, 71 A. 109 (1908). The United States Constitution and the constitutions of most other states have been applied in a manner consistent with the common-law practice of allowing trials without jury for "petty" offenses. Noting this, a student article in Maine Law Review argued that the Supreme Judicial Court could, without violence to the intention of the framers of the Maine Constitution, interpret its jury trial provision to allow non-jury trial of petty offenses. Comment, "Minor Traffic Violations: A New Approach," 19 Maine L. Rev. 261 (1967). The Supreme Judicial Court has expressly declined, however, to follow this course. In 1971 it advised the 105th legislature that trial of petty offenses without a jury is unconstitutional in view of the language of M.R.S.A. Const. Art. 1, §§6 and 7. Opinion of the Justices, 278 A.2d 693 (1971). In a 1974 decision on a question of law in a prosecution for speeding, punishable under the general penalty terms of 29 M.R.S.A. §2303, it held that the constitutional guarantee of trial by jury is operative in each and every criminal prosecution, notwithstanding that the alleged violation is petty rather than serious. State v. Sklar, 317 A.2d 160 (Me. 1974). The Supreme Judicial Court reasoned in that opinion (317 A.2d at 170-71) that the drafters of the Maine Constitution clearly intended to extend a right to trial by jury to a defendant in any criminal prosecution, without limitation, restriction, or qualification, in keeping with Massachusetts practice and in conscious departure from the practice in other jurisdictions.

most insignificant traffic matter may exercise the right to trial by jury.⁶ Since jury trial is available only in the Superior Court, the cases of motor vehicle defendants claiming the right to jury trial at the District Court must be dealt with by both courts before final disposition.⁷ Almost all traffic cases docketed in Superior Court have come from the District Court by a claim of this right in the District Court. (See Appendix B, Chart 28). Only a small percentage of these proceed to trial in Superior Court, with less than half of those being heard by a jury. (See Appendix B, Charts 30 and 31.) The result has been delay in the disposition of cases, waste of manpower because personnel in two court systems must deal with the same cases, and pressure on the Superior Court caseload caused by cases that could be adjudicated at the District Court level. (For further discussion of this matter, see below, Appellate Review and Jury Trial in Superior Court.)

⁶Among the cases coming before the Superior Court in 1974 as a consequence of defendants' not waiving the right to jury trial were prosecutions for such traffic offenses as "squealing tires," "hitchhiking," "excessive noise," and "following too close."

⁷Before October 1973, the right to trial by jury was exercised by appeal for a trial de novo in Superior Court (4 M.R.S.A. §156 (1964); 15 M.R.S.A. §2114 (1963)). After that time, it has been done primarily by transfer to Superior Court before adjudication in District Court (15 M.R.S.A. §2114 (1973)).

ALL BUT THE MOST SERIOUS TRAFFIC OFFENSES SHOULD BE RECLASSIFIED AS LESSER OFFENSES TO BE KNOWN AS "TRAFFIC INTRAFRACTIONS." THESE OFFENSES SHOULD BE NON-CRIMINAL IN NATURE, PERMITTING NO RIGHT TO TRIAL BY JURY. SANCTION FOR TRAFFIC INTRAFRACTIONS SHOULD NOT INCLUDE INCARCERATION.

There are certain violations of the law that involve high risk of harm to others or damage to property resulting from intentional or culpably negligent conduct. These include the felonies and many of the misdemeanors punishable by imprisonment that are listed in Appendix D, "Penalties for Maine Traffic Offenses." They should retain their present characterization. With a number of misdemeanors, however, the statutory possibility of imprisonment is almost never realized. (See Appendix B, Charts 19 and 45.) This may be in keeping with a feeling that prison sentences are not warranted for most traffic offenses, especially in cases of casual offenders.⁸ It also may reflect the practical recognition that the facilities of county jails are already crowded with those convicted of offenses considered more serious.

Because few people are jailed for traffic offenses, the statutory possibility of imprisonment should be removed from some of the present traffic misdemeanor statutes and they

⁸ See Middendorf, The Effectiveness of Punishment, pp. 88ff (1968).

should be classified as traffic infractions. All traffic offenses for which the statute defining the violation expresses no penalty (see section 5 of Appendix D), as well as all those for which the statute defining the violation provides only a fine or administrative action (see section 4 of Appendix D) can be put in the "infraction" category. It will be necessary at the same time to amend the general penalty statute, 29 M.R.S.A. §2303, to eliminate any possibility of punishment by incarceration for such offenses. In addition, a review of offenses for which there is a statutory possibility of punishment by imprisonment for not more than three months may show that some may also be reclassified as infractions, upon amendment to remove provisions relating to imprisonment.⁹ Among the states that have reclassified lesser traffic offenses as non-criminal are California, New Jersey, New York, North Dakota, and Rhode Island. See Appendix C for the classification of traffic offenses by California and New York. Since offenses that would be reclassified would carry no possibility of imprisonment, there would be no need for court-appointed counsel for

⁹The Ad Hoc Task Force on Adjudication of the National Highway Safety Advisory Committee recommends:

All traffic violations shall be categorized as 'Traffic Infractions,' except for offenses which involve serious injury or fatalities, leaving the scene of an accident, driving on a suspended or revoked license, alcohol or drug, or reckless driving, which remain as criminal offenses. (Final Report, p. 8 (1973). [Hereinafter cited as Task Force Report].)

The National Advisory Commission on Criminal Justice Standards and Goals makes a similar recommendation in Courts, Standard 8.2, p. 168 (1973) [hereinafter cited as Courts].

indigents under the rule of Argersinger v. Hamlin
407 U.S. 25 (1972).¹⁰

Removal of these offenses from the area of "crimes" would also remove the state constitutional requirement that their prosecution have the possibility of being tried by jury. Traffic offense trials do not require a jury to perform the fact-finding function. In most minor traffic offenses the factual issues are uncomplicated so that the time and expense of a jury trial may not be justified. In California, New Jersey, New York, North Dakota, and Rhode Island, a right to trial by jury is not available for non-criminal traffic offenses. This is consistent with the recommendations by the National Advisory Commission on Criminal Justice Standards and Goals and the Ad Hoc Task Force on Adjudication of the National Highway Safety Advisory Committee.¹¹

¹⁰ In this decision, the United States Supreme Court held that in any case in which an indigent defendant may be deprived of his liberty, including misdemeanor and petty offense cases, the defendant has a right to free, court-appointed counsel. It should be noted that Argersinger sets a minimum standard for states, and some jurisdictions have gone beyond Argersinger, which may indicate future trends in United States Supreme Court decisions. See, for example, Rodriguez v. Rosenblatt, 58 N.J. 281 (1971), where the court held that, in regard to disorderly persons and motor vehicle offenses, "no indigent defendant should be subjected to conviction entailing imprisonment in fact or other consequence of magnitude [including the substantial loss of driving privileges] without first having had due and fair opportunity to have counsel assigned without cost." 59 N.J. at 295. See Rules Governing Criminal Procedure, Rule 3:27-2, in Rules Governing the Courts of the State of New Jersey, (1974).

¹¹ Task Force Report, p. 8.

2. Authority to Adjudicate Traffic Offenses

All decisions regarding violations of motor vehicle statutes are now made by the courts. 29 M.R.S.A. §230 (1973). Most are tried in the District Courts, in which the majority of cases on the criminal docket are traffic matters (see Appendix B, Chart 1 and Table 1). Criminal procedure is followed and penalties of the criminal law are imposed in the disposition of these cases. When a guilty finding is entered, fines are imposed much more frequently than jail sentences (see Appendix B, Charts 3 and 20). Judges may also impose temporary suspension of driving privileges for up to thirty days, though this is done very infrequently. 29 M.R.S.A. §2305 (1967). (See Appendix B, Charts 21 and 47.)

The Superior Court exercises concurrent jurisdiction over criminal matters (including motor vehicle offenses) with the District Court (29 M.R.S.A. §2302 (1973); 15 M.R.S.A. §2111 (1964)). In "transfer" cases,¹² the Superior Court has original trial jurisdiction. For felonies and for any case where a jury trial is demanded by the defendant, the Superior Court acts as a court of original trial jurisdiction. 4 M.R.S.A. §105 (1963); State v. Barnette, 158 Me. 117, 179 A.2 800 (1962). It also hears appeals of cases tried to conclusion in the District Court. 15 M.R.S.A. §2111 (1969); 15 M.R.S.A. §2114 (1973).

¹² Under 15 M.R.S.A. §2114 (1973), any misdemeanor defendant not waiving his right to jury trial may not have his case heard in District Court; the case must be transferred to Superior Court, since jury trial is not available in District Court.

The Motor Vehicle Division of the Department of State receives reports from the courts following adjudication of traffic matters (29 M.R.S.A. §2304 (1963)), and it conducts administrative hearings with power to suspend or revoke licenses or registrations when appropriate, 29 M.R.S.A. §§2341(1973) and 2301-A (1971). For drivers dissatisfied with decisions in administrative hearings, review by the Superior Court is available. 29 M.R.S.A. §2242 (1961).

Problems with the present system for adjudicating traffic matters have been perceived by both the courts and the Motor Vehicle Division. Adjudication of traffic matters makes up the greatest part of District Court criminal docket. District Court judges do not feel, however, that their caseload is unwieldy or excessive. But the growing volume of traffic cases makes it increasingly difficult for the courts to give adequate consideration to individual cases. District Court clerks, overburdened by traffic matters, are unable to give adequate attention to other responsibilities. When all defendants are scheduled to appear at the same time at District Court, particularly in those District Courts where facilities are in the same building as those of the Superior Court, there is a great deal of congestion.

Because judges do not sit in some District Court divisions more than one or two days a week, they are not able to give full attention to overseeing clerical operations. In the absence of direction from District Court judges, each clerk tends to deal with matters on his own initiative without reference to more efficient procedures undertaken in other divisions of the District Court.

In the Superior Court, traffic cases are not as large a percentage of the total caseload as in the District Court.¹³ However, the judges and clerks of the Superior Court find that minor traffic cases transferred or appealed from the District Court divert attention from other cases on the criminal docket. In some traffic cases transferred to the Superior Court in 1974, defendants pleaded guilty on first appearance before a jury was empanelled, while in other cases the plea was entered after the Superior Court initiated the costly process of empanelling a jury.

The Motor Vehicle Division is also dissatisfied with the present system of handling traffic cases. Because of the increased volume created by the transfer of traffic cases, the Motor Vehicle Division suspects that the courts do not always report the disposition of these cases to the Department of State. This suspicion indicates in part a communications problem between the court system and the Motor Vehicle Division. The Division feels that this failure to report dispositions hampers its responsibilities in the control of motor vehicle operating licenses and certificates of registration.

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In 1973, for example, traffic cases constituted approximately 41 percent of the Superior Court total criminal caseload. Total traffic caseload figures for the Superior Court have not been kept, and must be estimated from other records. The Chief Clerk of the Superior Court now compiles a comprehensive report of the overall Superior Court caseload. In 1973, there were 5,783 criminal cases completed. ("Summary of civil and criminal cases disposed of in the Superior Court of the State of Maine during 1973," p.2 (compiled from monthly reports by Superior Court clerks to the Chief Justice of the Supreme Judicial Court).) In 1973, the Motor Vehicle Division recorded 1,451 guilty findings in Superior Court traffic cases. (See Appendix B. Chart 23.)

There were guilty findings in 60 traffic cases, or 70 percent, of the 86 cases sampled for 1973 by the National Center study team. Using the percent figure from the sample and the number of guilty findings recorded for 1973 by Motor Vehicle Division, it can be estimated that there were 2,379 traffic cases tried in Superior Court in 1973. This constitutes 41 percent of the criminal case total reported by the Chief Clerk of the Superior Court.

ALTHOUGH TRAFFIC OFFENSES SHOULD BE RECLASSIFIED, ADJUDICATION OF THEM SHOULD REMAIN A FUNCTION OF THE JUDICIAL BRANCH OF GOVERNMENT. MAINE SHOULD ADOPT NEITHER A PARA-JUDICIAL NOR AN ADMINISTRATIVE METHOD OF ADJUDICATION OF TRAFFIC MATTERS.

Though traffic cases amount to a large percentage of the judicial caseload, they do not take the same percentage of judicial time. Relieved of the burden of many traffic cases, a judge could devote more of his time and energy to other kinds of cases. It would be possible to allow access to the courts for matters that courts cannot now address because of this burden.

This recommendation does not imply that the present Maine system for adjudicating traffic offenses be retained, without any changes whatsoever. The creation of the Traffic Court Advisory Committee indicates a serious desire for improvement in the system. With appropriate modifications, adjudication of traffic offenses by the Maine court system is the preferable approach.

One approach that has been suggested is the "para-judicial method" whereby jurisdiction over the adjudication of traffic offenses is maintained by the court with certain functions in the decision making and sanctioning process being delegated to quasi-judicial officers.¹⁴

¹⁴ See Effective Highway Safety Traffic Offense Adjudication, "Vol. I-A Perspective," p. 3 (prepared for U.S. Dept. of Transportation by Arthur Young & Company, Contract No. DOT-HS-123-2-442, Aug. 1974 [hereinafter cited as Effective Adjudication]).

Another alternative is the "administrative" method, wherein all functions in the decision-making and sanctioning processes, as well as the preliminary review, are performed by administrative hearing officers under the supervision of an administrative agency.¹⁵

¹⁵Id. Authorities are in disagreement whether lesser traffic matters should be adjudicated by an administrative agency or by the courts. The National Advisory Commission on Criminal Justice Standards and Goals (Courts, Standard 8.2, p.168) and the Ad Hoc Task Force on Adjudication of the National Highway Safety Advisory Committee (Task Force Report, p.9) recommend administrative adjudication. The American Bar Association Committee on the Traffic Court Program, however, maintains that traffic cases should continue to be decided by the courts. American Bar Association Committee on the Traffic Court Program, Standards for Traffic Justice (Revised Draft), p.2 (June 1974). [Hereinafter cited as ABA Traffic Standards.]

In a study of administrative adjudication in New York City completed in early 1974 by a doctoral student in public administration, that city's program was evaluated to determine whether administrative adjudication is (1) more economical, (2) speedier, (3) more effective in improving traffic and parking law enforcement, and (4) more capable of relieving court congestion than judicial adjudication. Yusuf E. Zarur, "Administrative Versus Judicial Adjudication of Minor Traffic and Parking Violations: Program Evaluation," pp.14-22 (unpublished doctoral dissertation, State University of New York at Albany, 1974). Taking issue with the arguments of Raymond L. Berg and Richard L. Samuels (presented in "Improving the Administration of Justice in Traffic Court," 19 De Paul L. Rev. 503 (1970)) that traffic adjudication should remain a function of the judiciary branch of government, Mr. Zarur concluded from his study that transfer of minor traffic cases from judicial to administrative adjudication was justified and that administrative adjudication met the criteria of evaluation set forth above. Zarur, supra at p.219.

But Zarur was careful to limit his evaluation to New York City, whose courts handling traffic cases before the implementation of administrative he characterizes (pp.208-209) as burdened with "overcrowdedness," "delay," and "intolerable conditions" aggravated by their "huge traffic caseload." Zarur's evaluation of cost factors was limited to "litigation costs": (1) police appearance time, (2) salaries to judges and hearing examiners, (3) fine collection rates, and (4) litigation costs (p.157). Perhaps because of the magnitude of New York City's traffic problem, its huge operating budget, and the pre-existence of sophisticated computer technology that forms a crucial element in New York's administrative adjudication process, he did not consider the cost of implementing and maintaining such a system. Nor did he evaluate the costs involved in construction and maintenance of separate facilities for administrative adjudication.

Zarur did not undertake to rebut the Berg-Samuels argument generally. He merely concluded that administrative adjudication was better suited than judicial adjudication for New York City's problems with minor traffic and parking offenses.

The "para-judicial method" describes the present procedure in the Detroit Recorder's Court (see Appendix F). The quasi-judicial officer, a "hearing referee," is usually a lawyer authorized to hear minor offenses. The hearing referee is permitted to hear minor offenses. The hearing referee is permitted to hear contested cases, and although the disposition is technically only a recommendation subject to judicial review upon the defendant's request, the referee's decision is rarely overturned.¹⁶ As a consequence, quasi-judicial officers in this system dispose of virtually all contested minor traffic offenses.

The implementation of a para-judicial method of adjudication in Maine would require paying a number of "referees" or "commissioners."^{16a} These new officers would hear cases that now make up a large portion of the District Court caseload. They could reduce the caseload (and some portion of judge time) in the District Court. Fewer new District Court judges would be necessary, and there would be a savings in judicial salaries off-set by the expense of hiring traffic hearing officers.

But the creation of such a system would, in effect, appear to be a return to the old Justice-of-the-Peace system, which Maine discarded with the creation of a unified, full-time District Court. Almost uniformly, District Court judges do not feel their traffic caseload unbearable. It might be worth-

¹⁶ Effective Adjudication, Vol. II, p. 76.

^{16a} The actual number needed could be ascertained by inauguration of pilot programs in selected divisions of District Court.

while to introduce para-judicial hearing officers to assist in the two or three divisions of the District Court with the heaviest traffic caseload, but this would be as a special modification of an overall system in which traffic cases are adjudicated by judges. The use of such hearing officers does not seem appropriate on a statewide scale.

The second alternative, administrative adjudication of traffic offenses, is currently used in New York¹⁷ and will soon be introduced in Rhode Island.¹⁸ (See Appendix G, "Administrative Method of Adjudication.") Essential to the administrative model is the de-criminalization of minor traffic offense, so that they may be heard outside the court system in an administrative agency. In New York, the Administrative Adjudication Bureau is part of the Department of Motor Vehicles¹⁹ while in Rhode Island the hearing officers are part of the Department of Transportation.²⁰ The heart of administrative adjudication is its extensive use of computer technology, with terminals readily available to each hearing officer during every hearing. The computer system in New York is programmed to schedule dockets and appearances by police and motorists and to deal with "scofflaws" and prior offenders. Among other innovations, before any hearing officer has access to a driver's record, he must enter a guilty finding. The New York system allows a large number of offenders for whom

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N.Y. Veh. and Traffic Law §155 (McKinney 1973).

¹⁸

R.I.G.L. §31-43-1 (as amended 1974).

¹⁹

N.Y. Veh. and Traffic Law §225(1) (McKinney 1970).

²⁰

R.I.G.L. §31-43-1 (as amended 1974).

hearing is not mandatory to elect to plead guilty and pay fines by mail.

The administrative method of adjudication is ill-suited for Maine for reasons related to population density and expense. The New York program was initiated in 1970 in New York City in order to cope with an enormous criminal court backlog swollen by four million traffic cases a year.²¹ This is more than forty times the number of traffic cases heard in Maine each year (see Appendix B, Chart 1). The only other cities in New York that employ administrative adjudication bureaus are Buffalo and Rochester. Respectively, these cities have populations of roughly 450,000 and 300,000, with metropolitan area populations at least twice those numbers, and with traffic caseloads larger than any in Maine. The statute under which administrative bureaus are authorized specifies that they may be established only in cities with populations in excess of 275,000. In all other localities of the state, traffic matters are heard in the court system.

In 1974 Rhode Island reformed its system of traffic adjudication and implemented administrative adjudication on January 1, 1975. Rhode Island's population is slightly less than that of Maine, according to 1970 U.S. Census figures. But the geographical area of Rhode Island is only three percent of the size of Maine. Virtually all localities are part of metropolitan Providence, which has a population almost three times that of Maine's largest city, Portland.

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Vincent L. Tofany, "New York City Breaks Traffic Logjam," 71 Traffic Safety 8, at 9 (1971).

There is no municipality in Maine, even Portland, that approaches the population and traffic problems of New York City, Buffalo, Rochester and Providence. In New York State, the minimum staffing, regardless of the size of traffic caseload, is two referees with seven clerical support staff.²² In order to create a statewide administrative adjudication system, Maine would have to establish at least as many administrative hearing sites as there are current judicial districts, with clerical support staff at each site and enough hearing officers to cover the state, sitting daily at some locations and perhaps "riding circuit" to others.

In addition to the personnel cost involved, there would be costs of facility renovation or construction, telecommunications equipment, and office equipment and supplies. The caseload and revenues that make it possible for an administrative system to be "cost effective" in Rhode Island or the large cities of New York are not available in Maine.

With appropriate modifications, judicial and clerical personnel, along with facilities and equipment, are now available to dispose of Maine's traffic caseload justly and efficiently. That part of the New York approach regarding

²²Interview with Donald J. Bardell, Deputy Commissioner and Counsel, New York Motor Vehicle Department, November 6, 1974.

communications between the site of adjudication and the motor vehicle licensing agency could be borrowed, and some of Maine's problems with traffic matters may be reduced.

The District Court divisions could employ simplified procedure for traffic sessions. Some of the thinking involved in New York's methods of appearance control for drivers and police can be applied within the court system to relieve congestion and minimize court time for officers, witnesses and defendants. Allowing drivers to waive appearance and plead guilty by mail is more a function of the design of the uniform traffic ticket and improved administrative and clerical procedures than of administrative adjudication.

B. Treatment of Traffic Cases Prior to District
Court Hearing

3. Uniform Traffic Ticket and Complaint

The majority of traffic cases in Maine are initiated by the issuance of a "ticket," giving notice to a driver that he is alleged to have committed a violation of one or more of the traffic laws and summoning him to appear in a particular court at a specified time and date. All police--both state and local--have blank tickets printed for them and maintain a supply on hand to be distributed in lots to officers. They also maintain communication and coordination with the courts to insure that the courts have sufficient information to adjudicate the cases arising from tickets that have been written. But there is considerable variation among police jurisdictions regarding tickets.

The most obvious area of variation is in the design of the tickets themselves. A single type of ticket (see Appendix I) is used throughout the state by the state police, who initiate a substantial percentage of the traffic cases. (See Appendix B, Chart 2.) The local police departments, however, have a number of different types of tickets. They differ in size, color, format, and in the information desired. Tickets do not always require a reference to the statute allegedly violated in giving notice of the offense charged.²³

²³ Under Maine case law, a defect in the summons issued by a police officer to a driver is not fatal to a traffic prosecution, because the summons does not take the place of a properly-drawn complaint. State v. Melanson, 152 Me. 168, 126 A.2d 278 (1956). With a uniform ticket, however, the complaint as well as the summons would be prepared by the police officer upon observing an alleged violation.

A second major variation is in the management of ticket supply, issuance, and disposition by the police. Blank tickets are usually ordered by local police departments from local printers. Some departments number tickets serially, while other departments do not use numbered tickets. Although serial numbering can be used to monitor the distribution of blank tickets to officers and their issuance to drivers, not all police departments that use numbered tickets monitor their distribution and issuance. There seem to be few procedures common to all local police departments for monitoring the number of tickets mutilated, miswritten, lost, or unaccounted for by officers. Police records of the tickets issued to drivers, of the transmission of cases to the courts, and of court dispositions vary from locality to locality, but uniformly require a great deal of time and paperwork.

A third variation is the notice given drivers who are stopped and ticketed for traffic violations. Although many drivers may know that they have done something wrong, they are not as likely to know precisely what offense they have allegedly committed. They must rely on the police officer and the ticket issued them to state the alleged violation; but the officers are not always able to specify the offense because of the design of the ticket. Not all motorists are informed when or if they need appear before a judge for a first offense. While some first offenders in some areas are informed

of the procedure they may follow in order to waive appearance and plead guilty by mail, most are not.

Notice of the issuance of a ticket by a police officer is usually given to a court in the form of a "work sheet" prepared by the police department. (See Appendix I.) The work sheet, developed by the state police and copied by many local police departments, gives information about the driver, the complaining officer, and the offense. It is signed and brought to the court by a liaison police officer called the "court officer." From each work sheet, the clerk of court prepares a formal complaint to be verified by the police "court officer" and read to the offender in court on the date of appearance written by the complaining officer on the ticket issued to the driver. An entry of relevant information is then made in the criminal docket of the court.

The criminal docket is designed to allow entry of four cases on each side of a page. (see Appendix I.) Under 16 M.R.S.A. §600, courts are now required to expunge a case from the record when there has been an acquittal. But clerks have found expungement difficult, for the absurd reason that the use of a marker to delete a defendant's name sometimes ruins the record of a case on the reverse side of a docket sheet. Some cases are not "expunged" as a result.

If the offender is an out-of-state resident or a resident of the state living at some distance from the court having territorial jurisdiction of the offense, he must correspond with the court, to determine whether he may plead guilty and pay the fine by mail. The court must respond by mail, enclosing a form for waiver of appearance and plea to be completed by the offender and returned with payment.

If personal appearance is required, the complaint form contains spaces for entry by the judge of the disposition of the complaint. Upon disposition, with or without appearance, a separate abstract of the court record must be prepared and mailed to the Motor Vehicle Division of the Secretary of State. 29 M.R.S.A. §2304. (See Appendix I.) An abstract is also sent if a person appeals from conviction for a traffic offense, but no abstract is sent if a defendant elects to request a jury trial and his case is "transferred" under 15 M.R.S.A. §2114 to Superior Court.

IN ALL TRAFFIC CASES THE COMPLAINT OR INFORMATION AND SUMMONS SHOULD BE IN THE FORM KNOWN AS THE "UNIFORM TRAFFIC TICKET AND COMPLAINT" AND SHOULD BE USED BY ALL STATE AND LOCAL POLICE. THE UNIFORM TRAFFIC TICKET AND COMPLAINT SHOULD BE NUMBERED SERIALY WITH INDIVIDUAL TICKETS IN QUADRUPPLICATE WITH DIFFERENT COLORED SHEETS OF SENSITIZED PAPER FOR COMPLAINTS, SUMMONS, POLICE RECORD, AND AN

ABSTRACT OF THE COURT RECORD FOR THE MOTOR VEHICLE DIVISION. THE TICKET SHOULD BE DESIGNED BY A SPECIAL COMMITTEE COMPOSED OF REPRESENTATIVES FROM AGENCIES INVOLVED WITH TRAFFIC MATTERS. THE TICKET SHOULD BE DESIGNED TO MEET LEGAL AND ADMINISTRATIVE REQUIREMENTS, AND A CONTINUING REVIEW SHOULD BE MADE OF ITS DESIGN AND EFFECTIVENESS. ACCURATE RECORDS MUST BE KEPT OF THE DISTRIBUTION OF TICKETS IN BULK TO POLICE DEPARTMENTS, THEIR ISSUANCE IN "BOOKS" TO OFFICERS, AND THEIR INDIVIDUAL DISPOSITION BY OFFICERS. THERE SHOULD BE AN ANNUAL AUDIT OF SUCH RECORDS BY THE STATE DEPARTMENT OF AUDIT.

The uniform traffic ticket and complaint may be implemented in essentially the form now employed in several states, with modifications to accord with Maine legal and administrative requirements. (See Appendix E, "Model Traffic Ticket and Complaint.") A special committee, made up of persons including representatives of the District Court, the Attorney General, Motor Vehicle Division, the State Police, the Uniform Crime Reporting element of the State Police, the Sheriffs, and the Police Chiefs' Association, can undertake a joint effort to design the ticket. This will assure that research already completed will be utilized and that all parties to the traffic adjudication process will be able to make effective use of the uniform ticket and complaint.

The same committee can monitor the effectiveness of the ticket they design and modify it if necessary to improve it. The uniform traffic ticket can be printed in a size small enough to be carried conveniently by a police officer, yet be of a design sufficient to perform a variety of functions. Use of such a ticket necessitates legible completion by police officers and others making entries. Indeed, the police officer issuing a uniform ticket must be responsible not only to the motorist for the legibility of his summons, as is now the case, but also to every other party in the traffic-case process since police, court, and Motor Vehicle Division records would also be based on his ticket.

The first sheet of the document would serve, upon proper verification by the complaining police officer, as a complaint. The ticket must meet specifications of the illustrative complaint forms appended to the Rules of Criminal Procedure and District Court Criminal Rules. (See Maine Rules of Court 1974, Me. R. Crim. P.3, 58, Form 1, pp. 365, 419, and 422; Me. Dist. Ct. Crim. R. 3, 58, Form 1, pp. 487, 506, and 507 (West, 1974).) The proposed ticket would enable a police officer to check the most common offenses, and would call for a reference to the statute allegedly violated. If a list of traffic violations is prepared for each officer, giving short but specific description

of all offenses along with appropriate statutory references, it should be possible for officers to cite offenses on the ticket with sufficient particularity to meet the legal requirements of a complaint. After the ticket is written, the officer can swear to its veracity in order to complete the complaint.

Complaints are now verified on information and belief by a police department's "court officer;" but under the simplified procedure recommended by this report the complaining officer himself would verify the complaint on the court appearance day. On the back of the complaint, the court would enter all of its transactions for the case. The ticket control sheet on which a court would list the serial numbers of tickets issued in bulk to police departments (see below, p.193) would serve as a simple list docket for traffic cases. The control sheet could be designed in such a manner that expungement of records for acquitted persons under 16 M.R.S.A. §600 would be easier than with the present criminal docket. Since the control sheet could also serve as the docket sheet for the case, a great deal of time and paperwork would be saved the court clerical staff.

The second sheet of the ticket, the police record, contains the same information on its face, of course, as the complaint. On its reverse side can be entered any information needed for police records. In addition, it seems possible for the reverse side to perform the in-court

functions now served by the "court officer's work sheet."

On the reverse side of the third sheet the court can enter information needed for the Motor Vehicle Division. There are forms now used by court clerks to report court actions: (1) "Abstract of Court Record of Violation of Motor Vehicle Laws" (Form MV CR 12 Rev. 12/63); (2) Notice of default by traffic violator (Form MV CR-85 Rev. 12/68); and (3) "Abstract of Court Record for Criminal Violation" (Form 13:76). If certain traffic violations for which a ticket would be written remain criminal offenses, it may be impossible to eliminate the need for a separate Form 13:76. Its use would be less frequent, however, as a consequence of the de-criminalization of many traffic offenses.

The fourth part of the ticket is the summons, which would inform the driver of the nature of the charges against him, would tell him whether he must appear in court, and, if so, when and where. The reverse side would tell the alleged offender what he must do in order to avoid a court appearance for a parking violation or violation of certain local traffic ordinances (see 30 M.R.S.A. §2151). It would also include some of the most important features of the uniform ticket and of the plan to improve the manner in which traffic cases are handled. Specifically, it would explain the pleas that may be made and the circumstances under which a court appearance is mandatory or permissible.

It would explain what would be done if the offense were one for which the driver might waive appearance and plead by mail or in person through the traffic violations bureau. The driver would be informed of his rights and the consequences of failure to respond to the summons. Finally, it would provide space for the driver to enter his plea and waiver. (See Appendix E, "Model Traffic Ticket and Complaint," especially reverse sides of the state of New York and Hudson County, New Jersey, summons forms.)

Although the model traffic ticket and complaint developed by the American Bar Association Traffic Court Program has four sheets organized in the headings of complaint, police record, abstract and summons, the samples from New York and New Jersey suggest that extensive modifications from the ABA model are possible. It may be necessary to have the ticket with five, rather than four sheets, for example. Or the ticket might in time be designed to cover not only traffic offenses, but fish and game violations or non-traffic misdemeanors as well.

Because copies of the uniform ticket and complaint would be serially numbered, it will be possible to monitor each individual ticket from production through adjudication. Reliance on this type of ticket requires standard and uniform procedures. Since the two most essential parts of the ticket--the complaint and the summons--are documents prepared for and in the name of the court, the court would

distribute the tickets. The number of each ticket would be entered on a ticket control sheet to be maintained by the court clerk. Police departments would sign for receipt of tickets in bulk, then have individual officers sign for "books" of twenty or twenty-five tickets as received and be held to account for each individual ticket, with each police department having its own ticket control sheet. As police departments brought the "complaint" and "abstract" sections of each ticket to the court, the clerk would record information on the ticket control sheet. This would enable the clerk to use the ticket control sheet as a docket as well as a means to monitor disposition of tickets. Each police department in turn would be responsible to account on a periodic basis for all the tickets received in bulk, checking its records against the court's ticket control sheet (see Appendix E for a sample ticket control sheet used in Hudson County, New Jersey).

Individual police officers would be allowed reasonable latitude for mishaps with tickets, but could be scrutinized more closely if continuing "mishaps" began to suggest carelessness or unprofessional conduct. The District Court could control illegible complaints and protect drivers issued unreasonable summonses by dismissing such cases. A police chief, after seeing a number of his department's tickets leading to dismissed cases, could direct his officers to correct the defects found by the court. All governmental entities involved--the courts, Motor Vehicle Division, and the police--would be able to keep

more accurate records of total traffic violations cited and adjudicated. Overall control of the issuance and distribution of traffic tickets will narrow the opportunity for anyone associated with the processing of traffic cases to "fix" tickets. Though each entity might conduct its own internal audit, an annual audit of the ticket control system by the State Department of Audit would be an important way to identify shortcomings or abuses in the system.

There is widespread agreement that some form of uniform traffic ticket should be adopted by states. The National Conference of Commissioners on Uniform State Laws, in its 1957 Handbook, at pp. 243 and 249-257, has endorsed the model prepared by the American Bar Association Traffic Court Program. The National Highway Traffic Safety Administration similarly advocates use of a statewide uniform traffic citation (37 Fed. Reg. 15619 (1972)), as does the National Committee on Uniform Traffic Laws and Ordinances ("Uniform Vehicle Code," §16-117, in Uniform Vehicle Code and Model Traffic Ordinance, p. 243 (1968)). A uniform ticket based on the American Bar Association model has been adopted in at least nineteen states (including Indiana, Michigan, Mississippi, Missouri, New Jersey, New York, Oklahoma, and Washington²⁴) and in over 4000 cities.²⁵

²⁴ See Ind. Stat. Ann. §47-2326 (1966); Mich. Vehicle Code §9.20422(3) (1968); Miss. Code Ann. §828.5 (1971); Mo. Sup. Ct. R. 37.46; N.J.R. Prac. 7:61; 15 N.Y.C.R.R. §91.7 (August 31, 1971); N.D. Century Code, §29 05-31 (1960); Wash. Court R. JTR T. 201.

²⁵ Telephone conversation, Ron E. Weger, Weger Governmental Systems, December 16, 1974. (Mr. Weger holds the copyright for the uniform ticket recommended by the American Bar Association.)

4. Waiver of Court Appearance

By statute, the Chief Judge of the District Court is to designate by order those traffic offenses for which court appearance may be waived, with guilty plea and payment of fine to a traffic violations bureau. (4 M.R.S.A. §164.12 (B) (1969).) The list of offenses so designated may from time to time be amended, suspended, or repealed. However there are seventeen offenses specified in the statute, for which court appearance may not be waived. (See note 32 below, p. 49.) Any person with a prior offense may not waive court appearance unless a court order permits such a waiver. 4 M.R.S.A. §164.12 (D) (1969). This provision of the statute makes no distinction between those drivers with several recent offenses and others with only one offense ever since they began driving. Statistics of the Motor Vehicle Division indicate that by this standard, 27 percent (in 1973) of all Maine drivers are "prior offenders," even though a large number of these are one-time or occasional violators.

Since 1972, a growing percentage of traffic defendants have waived appearance in District Court. (See Appendix B, Chart 4: in the survey conducted by the National Center, the percentage of those waiving court appearance in 1974 was more than twice the percentage waiving in 1972.) In 1972, drivers waived appearance in 24% of the sampled cases in which they were charged with offenses for which court appearance was not mandatory for first offenders. In 1973, that percentage

increased to 41%; in 1974, it was 45%. A significant percentage of those in the sample committing offenses for which court appearance is mandatory under statute were allowed to waive court appearance. In 1972, 10% of these in this category waived appearance; in 1973, 17%; in 1974, over 21% waived appearance. Only two of the eleven divisions of District Court sampled keep records of repeat offenders (See Appendix A), so that drivers often were allowed or disallowed to waive appearance for reasons other than "prior offender" status.

These variations from statute do not necessarily show impropriety on the part of judges setting policy in District Court divisions or of clerks administering that policy. Rather, they support conclusions reached elsewhere in this study, that drivers are not consistently told by the police that may have an opportunity to waive court appearance (see above, p. 29), and that court clerks are often unable to identify repeat offenders (see above, p. 31 and below, pp. 42 and 43). They also demonstrate that 4 M.R.S.A §164.12 is not uniformly applied in District Court divisions. Only some of the District Court divisions allow waiver of appearance where it is waivable by statute, while others require court appearance for virtually all traffic offenses. This may be due in part to differing constructions of the statute by District Court judges and in part to disagreement with the legislature regarding offenses for which the interests of highway safety require mandatory court appearance.

THE STATUTE ALLOWING WAIVER OF COURT APPEARANCE FOR CERTAIN TRAFFIC OFFENSES SHOULD BE AMENDED TO ALLOW WAIVER BY OCCASIONAL OFFENDERS. A POLICY OF ALLOWING WAIVER OF COURT APPEARANCE WHENEVER CONSISTENT WITH HIGHWAY SAFETY SHOULD BE PROMULGATED AND APPLIED UNIFORMLY IN ALL DIVISIONS OF DISTRICT COURT. THERE SHOULD BE PERIODIC REVIEW AND, WHEN NECESSARY, REVISION OF LEGISLATIVE AND JUDICIAL DETERMINATION OF TRAFFIC OFFENSES FOR WHICH COURT APPEARANCE IS MANDATORY.

The requirement that every motorist cited for a traffic offense appear in court may not be necessary or even appropriate for first time and occasional violators whose offense is minor. Those who are otherwise law-abiding citizens, whose offense may have been inadvertent, can justifiably expect not to be treated as criminals and to have their case handled with dispatch to minimize inconvenience. They need not be lumped together with repeat offenders or those committing more hazardous offenses.

A local requirement that there be court appearance for most traffic offenders creates court congestion (see below, Appendix J, Facilities Observations). It also means that a certain percentage of a judge's bench time is involved with receiving guilty pleas from traffic offenders, when the judge's time could be better spent in performance of other functions.

A local court policy allowing waiver of court appearance for a large number of traffic offenses without possessing means to check for prior offenses runs the risk that adequate means (for example, heavier penal sanctions or court-ordered participation in rehabilitative programs) will not be employed to deal with repeat offenders. At the same time, variations in local policy regarding court appearance creates inequality among different areas of the state in the way drivers are treated by the courts.

These inconsistencies in local policy among divisions of the District Court are in large part a result of an inability to determine which traffic defendants are prior offenders not entitled to waive court appearance. But relatively inexpensive technological means are available that would enable District Court divisions and Motor Vehicle Division to keep abreast of traffic offense disposition. (See below, Communications and Records, p. 72, and Recommendation 11.) Given the improved control of prior offenders, District Court divisions can act more consistently and confidently in allowing waivers of court appearance.

Promulgation by the District Court Chief Judge of uniform waiver policies for District Court judges and procedures for implementation of waiver provisions by judges and clerks will also aid consistency. Since a large number of drivers with prior offenses may be only casual offenders, a policy might be implemented, either by court rule or by amendment of 4 M.R.S.A. §164.12, to treat those drivers with no offenses in the last twelve or eighteen months, except for certain classes

of offenders (such as habitual offenders or those convicted of hazardous offenses), as persons allowed to waive appearance.²⁶ This would require coordination with the Motor Vehicle Division, so that offenses prior to the operative time period preceding the date of the latest alleged offense would not be reported.²⁷

Further aid to uniform application of a waiver policy will be given by the implementation of a Uniform Traffic Ticket and Complaint (see above, p. 36). The reverse side of the summons form can contain written explanation to the driver from which he can determine whether or not he can waive court appearance. The summons can also explain the procedure for waiver, give the address of the traffic violations bureau, and give the hours during which it is open if the driver desires to pay his fine in person.

²⁶ In Model Rules Governing Procedure in Traffic Cases, §1:3-7(b), Handbook of the National Conference of Commissioners on Uniform State Laws, pp. 245-246 (1957) [hereinafter cited as Model Traffic Procedure], a driver with no prior moving offense within the twelve-month period immediately preceding the present alleged offense may waive court appearance, unless the present alleged offense is one of a list of hazardous offenses. Though 4 M.R.S.A. §164.12 is based on the Model Rules, the twelve-month provision was not included in the 1969 enactment of the statute.

²⁷ Motor Vehicle Divisions's point system makes license suspension a possibility after accumulation of a certain number of points within a specified time period. Points are erased from a driver's record when those points become three years old. See Form MVCR 41 Rev. 1-1-72.

A broader and more consistently-applied waiver policy will remove a number of cases from the workload of District Court judges. This will be necessary to offset the increase in District Court judicial workload that will be created if fewer cases are shifted for hearing in Superior Court as a consequence of implementing Recommendations 4 and 6 (see pp. 41, above and 50, below). The combined effect of these recommendations will be to save time by more expeditious disposition of cases that do not require court appearance, with only mandatory-appearance and contested cases coming before District Court judges.

5. Pleas for Traffic Infractions

Because traffic offenses are now classified as criminal offenses, defendants may plead only "guilty," "not guilty," or "nolo contendere."²⁸ These pleas, as part of traditional law of criminal procedure, are frequently inconsistent with defendants' feelings that they are not criminals or moral offenders, even though they may admit to violations charged.²⁹ Furthermore, the pleas do not allow defendants who are willing to admit violations to present circumstances that they feel justify their behavior, or will at least mitigate punishment. Others, faced with the real possibility that guilty pleas will affect them as parties or witnesses in subsequent court proceedings, will often plead not guilty when they might otherwise admit to traffic violations. The consequences are that many cases that might otherwise be summarily disposed of at District Court go forward to hearing or (perhaps more frequently) are transferred to Superior Court.

²⁸ Maine Rules of Court 1974, R. Crim. P., Rule 11, p. 373, and Dist. Ct. Crim. R. 11, pp. 490-91, (West 1974) [hereinafter cited as Rules 1974].

²⁹ Under traditional common law, any crime requires the coincidence of a blameworthy state of mind and a proscribed act. The alleged offender's state of mind is irrelevant under a number of statutes of Maine and other jurisdictions that define traffic offenses.

PERSONS CHARGED WITH TRAFFIC INFRACTIONS SHOULD BE ALLOWED TO ENTER PLEAS WHICH (1) ADMIT THE VIOLATION CHARGED; (2) ADMIT THE VIOLATION CHARGED, WITH AN EXPLANATION, OR (3) DENY THE VIOLATION CHARGED, RATHER THAN TRADITIONAL PLEAS NOW UTILIZED IN CRIMINAL PRACTICE.

This recommendation follows from that calling for decriminalization of traffic infractions and helps reinforce the characterization of such offenses as non-criminal. In its effort to decriminalize lesser traffic offenses, New York has statutory language allowing a driver to enter an answer to a summons "admitting the violation as charged" or "denial of charges."³⁰ But under administrative regulations, these answers are interpreted to mean the traditional criminal pleas of "guilty" or "not guilty."³¹ Referees

³⁰N.Y. Veh. & T. Law §226.2 (McKinney 1971). Statutory language providing for administrative adjudication of traffic offenses in Rhode Island is virtually identical. R.I.G.L. §31-43-2(a) (as amended 1974).

³¹New York Department of Motor Vehicles, Regulations for Administrative Adjudication of Traffic Violations, §123.1 (a) and (c), p.12 (January 1, 1973). (According to Victor S. Andreozzi, Assistant Director of Transportation (director of administrative adjudication), State of Rhode Island, that state's administrative procedure will follow New York's practice closely.)

adjudicating "non-criminal" traffic offenses in New York State have observed that that jurisdiction's maintenance of the pleas traditionally common to criminal procedure has made the break from criminal law imperfect. In order to emphasize the non-criminal character of traffic infractions, the substituted pleas of "admission" or "denial" should not be construed as criminal pleas.

Though it retains other traditional pleas of criminal practice, New York does allow a traffic defendant to plead "guilty with an explanation," in order to accommodate those defendants expressing mitigating circumstances.³² In at least one District Court division in Maine, traffic defendants are allowed to plead "guilty with an explanation." The opportunity to explain the circumstances, by means of an "admission with explanation" plea, should enable a traffic offender to feel that he is being given an opportunity to be heard, that he is being judged fairly and as an individual, and that the court is not being operated in an impersonal "assembly-line" fashion. See H. Jones (ed.), The Courts, the Public and the Law Explosion, pp. 56-68 and 115-121 (1965).

³²Id., §123.1(b), p. 12.

6. Traffic Violations Bureau

The amount of traffic case paperwork that each clerk in each District Court must perform is uniformly burdensome. The task is no easier in smaller courts than in those with larger volume because the smaller courts have fewer clerical personnel, restricting the division of labor.

It has been statutorily mandated for five years that Traffic Violations Bureaus be established in each division of the District Court (4 M.R.S.A. §164.12 (1969)). The clerk of each court is to serve as violations clerk with the authority to accept written appearances, waiver of trial, plea of guilty and payment of fine and costs in traffic cases, subject to the limitations prescribed by the statute. Only first offenders can plead and pay their fine by mail or make payment through the clerk. Alleged offenders seeking to waive court appearance are required by 4 M.R.S.A. §164.12 (D) to affirm that they have no previous convictions for motor vehicle violations. Any person swearing falsely to such an affirmation is liable under that statute to prosecution as a misdemeanor, subject to a fine of up to \$50. However, there is no standardized procedure by which clerks can identify prior offenders, unless their office keeps a file of all those convicted. Consequently, the statutory provision against false representation is seldom enforced. There are seventeen motor vehicle

offenses that are considered more serious than the rest, and for which the clerk cannot accept guilty pleas and payment of fines.³³

While such violations bureaus are called for by statute, their use is not very evident in the operation of the clerks' offices of many courts. When the provision

³³Waiver and plea of guilty cannot be accepted for the following violations, though a guilty plea may be entered on behalf of the defendant by a Maine attorney with consent of the court:

- (1) Driving to endanger
- (2) Reckless driving
- (3) Recklessly causing death
- (4) Offenses resulting in accident
- (5) Operating while under the influence of intoxicating liquor or a narcotic drug or while impaired
- (6) Driving after suspension or revocation of operator's license
- (7) Operating without a license
- (8) Operating an unregistered motor vehicle
- (9) Passing a stopped school bus
- (10) Exceeding the speed limit by more than 15 miles per hour
- (11) Loaning or altering license or permit
- (12) Death caused by violation of law
- (13) Leaving the scene of an accident
- (14) Taking a motor vehicle without consent
- (15) Homicide or assault committed by means of motor vehicle
- (16) Failure to report an accident
- (17) Passing on hills and curves

4 M.R.S.A. §164.12B; see District Court Form CR-24A-69.

calling for mandatory traffic violations bureaus was enacted, no detailed directions were disseminated to the clerks of court explaining how to establish and maintain a bureau. As a consequence, most District Court clerks do not know what the organization of a violations bureau involves or how one should be operated. When one clerk was asked how she operated the traffic violations bureau, she said that she did things just as they were done before the enactment of the new mandatory requirement. In another court, all traffic offenders are simply sent into the courtroom before the judge because the clerks feel they are too busy to accept payment of fines by first offenders for lesser violations. A form (See Appendix I, "Waiver of Personal Appearance and Plea of Guilty," CR-24A-69,) has been developed to inform offenders whether they may plead guilty by mail, but not all clerks' offices use the form.

UNIFORM OPERATING RULES AND PROCEDURES SHOULD
BE PROMULGATED AND WORKSHOPS SHOULD BE HELD TO
AID CLERKS IN THE OPERATION OF TRAFFIC VIOLATIONS
BUREAUS. THE RULES AND PROCEDURES SHOULD BE
EXPLAINED IN DETAIL IN A CLERKS MANUAL TO BE DIS-
TRIBUTED TO ALL DIVISIONS OF THE DISTRICT COURT.

A significant hindrance to the efficient operation of a traffic violations bureau at present has been the absence of a uniform ticket and complaint. The introduction of a uniform ticket and complaint, as recommended, will mean that court clerks in every division of the District Court will be receiving

information in the same form from police. A single document, with parts performing different functions, will serve as the basic recording device for all types of traffic violations, eliminating the several forms now in use.

Another obstacle has been the inability of the court system to identify prior offenders in order to determine which drivers may have their cases disposed of by a traffic violations bureau. This problem can be alleviated by improvements in communications between courts and the Motor Vehicle Division, as discussed below at p. 72. With such improvements, court clerks in a traffic violations bureau could ascertain from the Motor Vehicle Division whether the record of any Maine driver (except one with violations or adjudications too recent to be posted by the Motor Vehicle Division) would allow a guilty plea and payment of a fine at the traffic violations bureau.

To deal with the lack of understanding among court clerks about the operation of a traffic violations bureau, workshops and a clerks manual would be of great assistance.³⁴ To facilitate understanding and uniformity, periodic workshops should be conducted with training sessions in the different steps of the violations bureau process, including the following:

³⁴ See National Center for State Courts, "Administrative Unification of the Maine State Courts" (prepared for Maine Trial Court Revision Commission), p. 87 (January 1975), for a similar recommendation.

- (1) receipt of ticket from police or driver;
- (2) procedure for checking ticket against "ticket control sheet" where docket entries are made; (see above, p. 34).
- (3) procedure for assuring that the driver understands his rights, the pleas available, and the consequences of a plea;
- (4) receipt of waiver of court appearance and plea;
- (5) communication with Motor Vehicle Division to determine driver's record, if any, of prior offenses;
- (6) determination and receipt of applicable fine;
- (7) proper accounting and disposition of fine;
- (8) completion of entries on ticket and docket;
- (9) filing of court record portion of ticket;
- (10) transmittal of abstract of court record to Motor Vehicle Division and notice of disposition to police.

Explanation of these ten steps necessary to process a ticket through a traffic violations bureau can also be promulgated in written form as part of a clerks manual. A manual would not only be of assistance at workshops, but would be available as a daily aid to operation of each clerk's office. It can be used for training clerks unable to attend workshops, and it can be up-dated as improvements are devised. A clerks manual for District and Superior Courts in Maine is now being designed by the National Center for State Courts.³⁵

³⁵Maine Law Enforcement Planning and Assistance Agency, Grant No. 200170/6042 (1974). Contract between Maine Supreme Judicial Court and National Center for State Courts executed December 1974.

C. District Court Traffic Hearings

7. Traffic Sessions

In all divisions of the District Court, traffic matters are docketed, calendared, and heard together with non-traffic criminal matters. In the majority of traffic cases, even those of many first offenders, court appearance is not waived,³⁶ and traffic violators appear in court as criminal offenders.

For purposes of optimal court-community relations, traffic courts, as the arm of the judicial system closest to the public view, must fully adhere to applicable constitutional safeguards in criminal proceedings. All offenders must be processed fairly and quickly. Due to the large volume of traffic cases, hearing time for traffic offenders is limited. Some defendants may therefore view the constitutional safeguards as little more than shallow formalities. Judge time for hearings of non-traffic criminal matters is also cut short. As a consequence, defendants in those cases are not given as much time as would be possible were traffic cases not filling the docket.

Many traffic offenders feel that they have done nothing morally wrong and should not be treated as criminals. Yet they must appear in court and wait to have their cases called, only to have them treated summarily by the judge.

³⁶This is because offenders are not always informed that appearance may be waived for certain offenses, and because some judges have a policy that all traffic offenders must appear in court. (See above, Waiver of Court Appearance, p. 39 .)

BY RULE, TRAFFIC INFRACTIONS SHOULD, WHERE POSSIBLE, BE HEARD BY THE COURT IN SEPARATE "TRAFFIC SESSIONS" AND NOT AT THE SAME TIME AS CRIMINAL MATTERS.

The scheduling of traffic matters apart from other kinds of cases will reinforce the reclassification of traffic infractions as non-criminal offenses. The judge will be able to focus his attention on highway safety considerations in traffic session. Separate treatment of traffic cases should assure that both traffic and non-traffic defendants will spend less time waiting at the courthouse. The National Conference of Commissioners on Uniform State Laws and the American Bar Association Committee on the Traffic Court Program recommend that traffic cases be treated apart from other court business, with traffic sessions or divisions established wherever the caseload is sufficient.³⁷

³⁷Model Rules Governing Procedure in Traffic Cases, §1:3-4; ABA Traffic Standards, Section 2.6, p. 3. The following commentary is made:

Separation of traffic cases reduces waiting time, permits use of opening remarks for education about available constitutional safeguards, hearing procedure and traffic safety goals, and facilitates case processing. Periodic, regular assignment to traffic court allows a judge to develop expertise and a consistent policy of educational penalization. (*Id.*, at pp. 5-6.)

See also James Economos, Traffic Court Procedure and Administration, pp. 55-60 (1961).

Time would be saved for drivers and police officers by staggering scheduled appearance times during the day.³⁸ The use of staggered appearance times could be used effectively in Maine courts, and would enable courts to tailor their calendars in keeping with local caseload differences and the availability of judges.

Some divisions of the District Court, for example, might set aside more than one day a week for traffic sessions, with ample time scheduled for criminal traffic cases. A simplified procedure for traffic infractions should also be helpful. See below, p. 58. For reasons of simplicity and efficiency, it would be best to schedule criminal traffic matters separate from infractions.) Were traffic sessions scheduled on one day, the morning could be scheduled for criminal traffic cases and the afternoon for infractions.

³⁸This system works effectively in the New York administrative model, according to Donald J. Bardell, Deputy Commissioner and Counsel, and Leon I. Schulgasser, Supervising Referee, New York Motor Vehicle Department, October 29 and November 6, 1974. Appearances for contested infraction cases are scheduled at four different times during a day at administrative hearing sites, so that no driver or officer need wait longer than ninety minutes. Policemen writing tickets have a pre-arranged appearance schedule (e.g., an officer might be scheduled for appearance every Thursday at the 1:00 session), and they write appearance times for motorists in keeping with this schedule. An officer is notified when a motorist has waived appearance and pleaded guilty, so that the officer need not appear for that case. Because New York hearing sites deal only with infractions, their scheduling is simpler than would be necessary for Maine courts, whose business includes not only lesser traffic offenses that would become infractions under the recommendations of this report, but more serious traffic offenses and, of course, a wide range of non-traffic matters.

To reduce waiting time for drivers and police and to introduce further flexibility, there might be two sessions in the morning and two in the afternoon, each seventy-five or ninety minutes in length. Through coordination between a court and a police department, each officer could be assigned court appearance times a month in advance. The court could, for instance, schedule state police cases for the first morning session and local police cases for the second morning session.

An individual officer would know the court appearance times for drivers contesting his tickets. If a court scheduled criminal traffic matters separate from infractions, and if a list of traffic offenses (giving references to statutory sections, as recommended above, p. 29, and distinguishing criminal traffic offenses from infractions) were provided to each officer, the policeman could schedule drivers' court appearances accordingly.

If consistent with availability of judges, a division of the District Court with a particularly heavy caseload might schedule evening sessions. In addition to allowing the court to stay abreast of its traffic caseload, this would allow some drivers to make a court appearance without losing work time. It would also allow more flexibility in scheduling appearances for police officers.

8. Simplified Traffic Procedure

Since traffic offenses are now characterized as crimes, traffic cases are subject to the rules of criminal practice. Some of these, such as separation of arraignment and trial, create greater inconvenience for drivers, judges, and police than the gravity of many traffic offenses would warrant. Consequently, this report recommends a single court appearance for drivers and police in most traffic cases. (See above, p. 57.) Among the constitutional safeguards afforded is the right to trial by jury (which often appears to be claimed more for delay than for its intended purpose), the availability of which would be limited were the recommendations of this report adopted. (See above, Characterization of Traffic Cases, page 9 and below, Appellate Review and Jury Trial in Superior Court, p. 80.)

Recognizing that most traffic defendants appear "pro se" (without the aid of counsel) and that most cases are prosecuted by the complaining police officer, District Court judges often relax the rules of procedure in the interest of fairness, but criminal procedure rules still govern technically. The result is that the nature and degree of relaxation from formal rules is not uniform from court to court or from defendant to defendant.

THERE SHOULD BE A SIMPLIFIED PROCEDURE, GOVERNED BY PUBLISHED RULES, UNIFORM THROUGHOUT THE STATE, FOR THE TRIAL OF TRAFFIC CASES. APART FROM MODIFICATIONS RECOMMENDED IN THIS REPORT, DEFENDANTS IN TRAFFIC CASES SHOULD BE ENTITLED TO PROCEDURAL SAFEGUARDS ACCORDED CRIMINAL DEFENDANTS.

Simplified procedure in traffic cases is recommended by a number of national organizations that have studied traffic adjudication.³⁹ The American Bar Association Committee on the Traffic Court Program advocates published and uniform rules, "with local deviations allowable only where expressly permitted by the state-wide rules:"

It is desirable that the uniform rules be promulgated by the highest judicial authority in the state. Uniform procedure eases the burdens of police officers, lawyers, and others required to appear in court throughout a state. They help insure a higher quality of uniform justice.⁴⁰

The rules for traffic procedure can be promulgated under statutory authority by the Supreme Judicial Court.⁴¹

³⁹ e.g. Courts, Standard 8.2, p.168 (1973) Task Force Report, p. 9 (1973) and American Bar Association Committee on the ABA Traffic Standards, §2.8, p.4.

⁴⁰ ABA Traffic Standards, §2.8 Commentary, p.4.

⁴¹ 4 M.R.S.A. §§8 and 9 (1964).

To aid clerical staff, they can be published in a clerks manual.⁴²

If an alleged violator desires a hearing, he can engage counsel under the Maine Constitution, whether his case be characterized as criminal or civil.⁴³ A right to engage counsel, as well as a right to a reasonable continuance to engage counsel, is widely recognized as an essential feature of the process due a traffic defendant, even under simplified procedure.⁴⁴ When there is a likelihood of incarceration following conviction, an indigent defendant is entitled to court-appointed counsel under Argersinger v. Hamlin, 407 U.S. 25 (1972). One of the most important purposes of arraignment, that of informing a defendant of his rights before he enters a plea, would in most traffic cases be performed by the Uniform Traffic Ticket and Complaint. A policy decision should be made as to whether a driver facing possible imprisonment should be informed orally of his right to appointed counsel by the police officer issuing him a ticket, or whether that information should be offered only by the judge upon the driver's court appearance.

⁴² Such a manual is now being prepared for Maine Superior and District Courts by the National Center for State Courts.

⁴³ M.R.S.A. Const. art. 1, §§6 and 20.

⁴⁴ For example, see Model Traffic Procedure §1:3-6(a) (1) and (2), p.245; ABA Traffic Standards, §3.2, pp.5-6; Task Force Report, p. 9; and Courts, Standard 8.2, p.168.

In order to assure efficient disposition of traffic cases, continuances should be granted only when necessary and then only for a reasonable period of time. When a hearing is continued, the court may admit the defendant to an approved form of recognizance.⁴⁵ The court should control continuances by means of an express policy and regularized procedure. The court calendar should also be controlled by the court. Though contested matters, where the defendant is represented by counsel, may be accorded priority on the trial list, such cases should not receive priority unless a timely "appearance" (notice of his participation in a case) has been entered with the court or clerk.⁴⁶

In addition to a right to counsel, the defendant in a traffic case should be accorded other procedural rights.⁴⁷ For instance, he should be entitled to have process issued by the court, without expense to him, to compel the attendance of witnesses on his own behalf. He should not be required to testify or to present evidence and arguments in his own behalf, and must be confronted by the complainant. There should be a right of appeal to Superior Court to the extent and in the manner recommended. (See below, p. 80.)

⁴⁵ See Model Traffic Procedure §1:3-4(e), p. 244.

⁴⁶ See Municipal Court Rules of Practice, Rule 7:10-3, in Rules Governing the Courts of the State of New Jersey (1974).

⁴⁷ See M.R.S.A. Const. art. 1§6; Model Traffic Procedure §1:3-6, p. 245; Courts, Standard 8.2, p.168.

In the interest of fairness and simplicity, the rules of evidence should be relaxed, and the judge should admit evidence he deems relevant and material.⁴⁸ This approach is now followed in several divisions of the District Court, where most traffic defendants appear without the aid of counsel.⁴⁹ For speeding cases in which radar has been used, the procedure of requiring an officer to offer oral testimony of the machine's accuracy and his own capacity as an operator might be replaced by a procedure of admitting into evidence up-to-date written certification by a qualified person that the machine operates properly and that the operating officer is competent to do so. Also, the judge might be authorized to take judicial notice of the speed limits in certain areas, in place of the time consuming requirement that proof of the speed limit be offered in evidence for each case.

A final procedural matter to be considered is burden and standard of proof. As in criminal matters, the State should bear the burden of proving beyond a reasonable doubt that a driver committed a traffic infraction. The National Advisory Commission on Criminal Justice Standards and Goals recommends that the State be required to prove the commission

⁴⁸ See Courts, Standard 8.2, p.168; N.Y. Dept. of Motor Vehicles, Regulations for Administrative Adjudication of Traffic Violations, §124.5, pp.21-23 (1973).

⁴⁹ Relaxation of the rules of evidence is now allowed in District Court for small claims cases. 14 M.R.S.A. §7455(1971).

of an infraction by clear and convincing evidence, with the driver not required to prove his innocence. Under this recommendation, the primary burden of proof is on the State, just as in a criminal prosecution. The standard, however, is a civil one rather than the criminal standard of proof beyond a reasonable doubt. The National Advisory Commission recommendation follows the practice in New York administrative adjudication. But the New York standard of "clear and convincing evidence" has been attacked,⁵⁰ and hearing referees in New York admit that in practice there is no distinction that can be made between "clear and convincing evidence" and "beyond a reasonable doubt."⁵¹ Considering the difficulties experienced by New York with a civil standard of proof the practice in New Jersey, where traffic offenses are "quasi-criminal," and require proof beyond a reasonable doubt, is preferable.⁵²

⁵⁰ In Rosenthal v. Hartnett, 71 Misc. 2d 266 (S.Ct. N.Y. Co. 1972), it was held that the clear and convincing evidence test applied in administrative hearings under N.Y. Veh. & T. Law §277(i) is an unconstitutional denial of due process; that decision is now on appeal before the New York Court of Appeals.

⁵¹ Conversations with Donald L. Bardell, Deputy Commissioner and General Counsel, Leon L. Schulgasser, Supervising Referee, and Richard Wozniak, Senior Referee, N.Y. Dept. of Motor Vehicles, October 29 and November 6, 1974.

⁵² As to the quasi-criminal nature of a traffic offense, see State v. Lanish, 103 N.J. Super. 441, at 443 (App.Div. 1968). Regarding the burden and standard of proof, see State v. Johnson, 42 N.J. 146 (1964).

9. Sound Recording for Traffic Cases

By court rule, electronic sound recording of civil and criminal cases is required in District Court, and the Chief Judge of the District Court may, in his discretion, order that all or certain kinds of proceedings be recorded as a matter of routine, without any special request or order.⁵³ In any proceeding not recorded routinely, a recording is to be made if requested by a party to the proceeding or ordered by the District Court judge on his own motion.⁵⁴ The District Court has acquired sound recording machines for each court. But not all courts have installed such units because of acoustical problems in some courtrooms and the absence of personnel trained to operate the machines during a court session.⁵⁵

As a consequence, sound recordings are not available in some courts, and a record is not made for many traffic cases in the District Court. In cases for which an electronic record was not made and a party wishes to appeal, an agreed statement of the evidence or proceedings must be prepared from the best available means, including the recollection of the parties.⁵⁶

⁵³ Rules 1974, Dist. Ct. Civ. R. 76, pp. 264-65, and Dist. Ct. Crim. R. 39A, pp. 498-99.

⁵⁴ Id.

⁵⁵ National Center for State Courts, "Administrative Unification of the Maine State Courts," pp. 95-96 (Report to Maine Trial Court Revision Commission, January 1975) [hereinafter cited as MTCRC Report].

⁵⁶ Rules 1974, Dist. Ct. Civ. R. 75(c), p. 264, and Dist. Ct. Crim. R. 39(c), p. 498.

ALL DISTRICT COURT TRAFFIC TRIALS SHOULD BE RECORDED ON THE SOUND RECORDING EQUIPMENT NOW AVAILABLE. STAFF SHOULD BE PROVIDED TO OPERATE RECORDING MACHINES AND LOG THE RECORDINGS. GUIDELINES SHOULD BE PROMULGATED FOR THE USE OF SOUND RECORDING AND FOR THE PREPARATION OF TRANSCRIPTS. ALL APPEALS TO THE SUPERIOR COURT SHOULD BE ON TRANSCRIPTS OF THE RECORD SO PREPARED.

The most important purpose to be served by maintaining a sound recording of all traffic proceedings is to enable the Superior Court to decide appealed cases on the record, with confidence that the record before it is accurate. This makes it possible for review of District Court decisions without the time and expense involved in trial de novo⁵⁷ (see below, P.80, Appellate Review and Jury Trial in Superior Court). The availability of such a record is also of assistance at the District Court, making it possible to determine whether cases were handled properly and to provide an accurate record of the disposition of every case.

The recommendation here is consistent with one adopted by the Maine Trial Court Revision Commission.⁵⁸ The American

⁵⁷ Only in the event the transcript of the proceedings below is incomprehensible would the matter be tried de novo before the Superior Court. In the usual course, the transcript of the record below should be the sole record upon which the matters at law on appeal are resolved.

⁵⁸ MTCRC Report, pp. 95-97.

Bar Association Committee on the Traffic Court Program
also recommends that a verbatim record be kept of all
traffic proceedings.⁵⁹

⁵⁹ ABA Traffic Standards, §2.1, p.2.

D. Processing of Traffic Cases After District
Court Hearing

10. Sentencing Policy

According to statistics compiled by the Motor Vehicle Division from reports by Superior and District Court, sometimes there are rather startling differences in the fines imposed for the same offense by different courts. (See Appendix B, Charts 9 to 18 and 35 to 44 .) In 1971, for example, one District Court division imposed fines for operating without a registration that averaged three times greater than the average fines for the same offense in another division. (See Appendix B, Chart 16.) For speeding thirty or more miles above the speed limit, one District Court division imposed fines in 1971 averaging more than five times greater than those in another division for this same offense. (Appendix B, Chart 14.) For that same offense the highest average fine imposed in the Superior Courts was six times the lowest average fine in 1971, and three times the lowest average fine in 1972 and 1973. (Appendix B, Chart 40.)

Some of these differences can be attributed to unique case circumstances, while others are due to the proximity to recreation areas or the Maine Turnpike. Some courts are consistently among the lowest in average fines imposed, while others are consistently high. As a consequence, police relate stories of motorists who, cited near the line between two localities, request that arrangements be made for their court appearance to be in the court where more lenient fines are imposed.

A problem experienced by many traffic offenders is the inability to pay fines. For some, this has resulted in failure to appear and sometimes in incarceration.⁶⁰ It is believed that many transfers to Superior Court are simply a means to delay payment. (See Appendix A.) Courts have not been consistent in their handling of this problem. One court frequently grants a continuance before judgment to allow defendants time to gather money, while another "suspends" execution until payment can be made. Partial payment is generally avoided because it is perceived as an administrative nightmare for clerical staff.

AN EXPRESS POLICY SHOULD BE ADOPTED IN THE SUPERIOR AND DISTRICT COURTS REGARDING THE SENTENCES IMPOSED FOR TRAFFIC OFFENSES. THERE SHOULD BE GREATER CONSISTENCY IN FINES IMPOSED, AND UNUSUALLY HIGH OR LOW FINES SHOULD BE SUPPORTED BY REASONABLE JUSTIFICATION. JUDGES SHOULD BE AUTHORIZED GREATER FLEXIBILITY IN ORDERING TEMPORARY SUSPENSION OF AN OPERATOR'S LICENSE. THOSE APPEALING ADJUDICATIONS FOR TRAFFIC INFRACTIONS IN WHICH TEMPORARY SUSPENSION HAS BEEN ORDERED SHOULD BE ENTITLED TO RETAIN THEIR LICENSES PENDING APPEAL, ABSENT A SHOWING OF GOOD CAUSE WHY THEY SHOULD NOT BE SO ENTITLED. FORMAL PROVISION SHOULD BE MADE TO ALLOW A COURT TO IMPOSE A REDUCED OR SUSPENDED SENTENCE OR TO ALLOW DEFERRED PAYMENT OF A FINE FOR THOSE OFFENDERS DEMONSTRATING INABILITY TO PAY.

⁶⁰Tate V. Short, 401 U.S. 395 (1971), made imprisonment for inability to pay a fine due to indigency unconstitutional.

It is essential that judicial discretion be preserved in sentencing for traffic offenses, so that judges may take into account the individual circumstances and mitigating or aggravating factors for each defendant. Yet the ideal of justice is not served when defendants who are in a position to do so seek to engage in "judge shopping." Furthermore, members of the public, served by the courts, with a commonsense idea of fairness must have difficulty comprehending why a first offender does not receive a similar penalty for the same offense in one court as he would in another.

Some indigents may become repeat offenders; for these persons, restrictions on the license to operate (e.g., for use only to and from work) may be a more effective sanction than fines that cannot be paid. Imposing such restrictions is a function of the Motor Vehicle Division, though a judge may impose temporary suspension and make recommendations regarding administrative action. (29 M.R.S.A. §§2304 and 2305.) More extensive use by judges of their power to impose temporary suspension of an operator's license may have more immediate impact on the offender. A change in statutory wording to make it clearer to judges that they may impose suspension without fine or jail may encourage this. Furthermore, expansion of the time period for which a license may be suspended by court order should increase the effectiveness of this as a judicial sentencing alternative.

However, the courts, can, in addition, make adjustments concerning payment of fines. Such adjustments are a necessary accommodation to the law under Tate v. Short, 401 U.S. 395 (1971), since a court may no longer use imprisonment to penalize a defendant unable to pay a fine because of indigency. The court, of course, retains its contempt power to punish those who are able but willfully refuse to pay the fine. Suspension of execution of a sentence would seem to be the simplest alternative (from the viewpoint of the court clerk's accounting) where the defendant needs additional time to pay.

To grant a continuance before judgment leaves the case without a disposition and is a misuse of the court calendaring procedures. "Suspension" of execution until payment can be made means that a delay is allowed until a defendant is able to pay the fine. It does nothing to help those unable to save their money. If they cannot save, they will be in no better position at the end of the delay period than at its beginning.

11. Communications and Records

Because their functions relating to motorists charged with traffic offenses are interdependent, Maine courts and the Motor Vehicle Division need to maintain continuous coordination. This focuses on the drivers' traffic violations records maintained by the Motor Vehicle Division. Neither the courts nor the Motor Vehicle Division is satisfied with the manner in which details of a driver's record are communicated.

This record is relevant to the courts in at least two ways. Under 4 M.R.S.A. §164.12, any driver with a record of prior offenses may not waive court appearance and have a traffic violations bureau receive his guilty plea. In addition, the record of prior offenses may bear on the sentence imposed. Yet, despite its significance, few divisions of the District Court maintain a record of offenders. (See Appendix A, Summary of Interviews.) Moreover, there is no means by which the courts can retrieve up-to-date details of drivers' records quickly from the Motor Vehicle Division. The consequence of this is that courts are inconsistent in their policies for waiver of court appearance and use of traffic violations bureaus, simply because they cannot easily identify repeat offenders.

Traffic offense records are also important to the functions of the Motor Vehicle Division. The Division is

authorized to maintain a point system "for the purpose of identifying habitually reckless or negligent drivers or frequent violators of traffic regulations." (29 M.R.S.A. §2241.2 (1973).) In order to operate this system effectively, the Division must have regular and timely reports from the courts of traffic convictions. Such reports are required by statute (29 M.R.S.A. §2304 (1967)), and a Motor Vehicle Division form is provided for the courts to give notice of convictions (Form MVCR 12 Rev. 12/63). The Motor Vehicle Division, however, has no means by which to assure that all traffic convictions will be reported by the courts. ⁶¹

⁶¹
See Appendix A, Summary of Interviews, where it is reported that those Motor Vehicle Division employees interviewed feel that not all traffic convictions are reported by the courts. Because of the way statistical data are kept by the courts and by Motor Vehicle Division, it was not possible to test the accuracy of this feeling. District Court workload totals are reported annually to the Chief Justice of the Supreme Court (see Appendix B, Table 1), with traffic matters reflected by the number of cases handled. Motor Vehicle Division computer print-outs made available to the National Center record traffic matters by the number of guilty findings for each offense. The total number of cases in which a guilty finding is entered can be estimated by projecting for the total District Court traffic cases the percentage of cases in the National Center's sample in which a guilty finding was entered. But since a number of cases reported by District Court involved guilty findings on more than one alleged violation, the total cases reported by District Court cannot be reliably compared with the total number of guilty findings recorded by the Motor Vehicle Division.

A MIXED SYSTEM OF BATCH PROCESSING, TELETYPE, AND COMPUTER TERMINAL FACILITIES SHOULD BE IMPLEMENTED TO ENABLE COURTS WITH VARYING TRAFFIC CASELOADS TO RETRIEVE PRIOR OFFENSE DATA FROM THE MOTOR VEHICLE DIVISION AND TO ASSURE ACCURATE REPORTING OF CONVICTION OR ADJUDICATION BY COURTS TO MOTOR VEHICLE DIVISION. A DRIVER'S RECORD OF PRIOR OFFENSES SHOULD BE CONSIDERED ONLY FOR IMPOSITION OF SENTENCE, AND UNDER NO CIRCUMSTANCE SHOULD IT BE AVAILABLE FOR CONSIDERATION BY THE COURT BEFORE A FINDING OF GUILTY HAS BEEN ENTERED IN THE CASE THEN BEFORE THE COURT. TO PROTECT DRIVERS FOUND NOT TO HAVE COMMITTED ALLEGED TRAFFIC INFRACTIONS, THE RULE OF EXPUNGEMENT SHOULD BE APPLIED.

Means to check quickly whether drivers coming before the court have relevant prior records would enable court clerks operating traffic violations bureaus to determine which drivers cannot waive court appearance. It would also enable judges to know which drivers should be penalized as repeat offenders. From a financial viewpoint, increased revenues may result.⁶²

⁶²

Under-penalizing of repeat offenders may be reduced. This would aid in offsetting the cost of installing and maintaining more sophisticated devices for communication between courts and the Motor Vehicle Division. However, the system should not be promoted as a money-saving device. While it is possible that revenues may increase as a result of better coordination, it is better to assume that the financial cost will outweigh the revenues.

But this consideration must never take priority over justice to the motorist.⁶³ In particular, the clerk in a traffic violations bureau should have access to a motorist's prior record only upon entry of a plea admitting the violation charged on the uniform traffic ticket.

If the driver must appear in court, the record should not be accessible to the court or the violations bureau until the court appearance has been entered and adjudicated with a finding that the motorist committed the offense charged. Under New York's system of administrative adjudication, a driver's prior record is not made available to the hearing referee until he orders a guilty plea to be entered in the computer terminal at the hearing site, whereupon a visual display on the terminal can be obtained to show the motorist's record of prior traffic offenses.⁶⁴ A procedure must be developed and monitored to assure that a driver's record is not seen or used by the judge before the case is heard and judgment is entered. Otherwise, the availability of the record might tend to prejudice the

⁶³Indeed, the assessment of fines as a revenue source for the local government involved in a traffic arrest can involve U.S. Constitutional problems. In Ward v. Monroeville, 409 U.S. 57 (1972), the U.S. Supreme Court held that a motorist fined in a mayor's court that provided a substantial portion of the village's funds had been denied a trial before a disinterested and impartial judicial officer as guaranteed by the due process clause, notwithstanding availability of trial de novo on appeal.

⁶⁴See Vincent L. Tofany, "The Administrative Adjudication of Traffic Violations in New York City," 26 Traffic Quarterly 319, at 323 (1972).

judge against the defendant. ⁶⁵

The introduction of an improved communications system, used in conjunction with the serially numbered uniform traffic ticket and complaint, would also enable the Motor Vehicle Division to keep a more accurate record of court dispositions. Both the courts and Motor Vehicle Division could compare the number of court dispositions with the total tickets issued to police departments. The Motor Vehicle Division, in turn, could compare the number of cases for which courts requested drivers' records of prior offenses with the total number of court dispositions.

In the process of improving information retrieval and recordkeeping, the interest of the motorist found not to have committed an alleged traffic offense must be closely guarded. It is required by statute (16 M.R.S.A. §600) that a person acquitted of a criminal charge have the record of his case expunged. The expungement rule should be applicable to the recommended non-criminal class of traffic infractions as well as to those characterized as criminal. A policy should be promulgated and followed precisely by courts, police, the Motor Vehicle Division, and any others involved in the traffic adjudication process, to assure that the name and any other information to identify a driver found not to have committed a traffic offense is deleted from the record. For record-keeping and statistical purposes, however, other data on such traffic cases should be retained.

⁶⁵ James Economos, Traffic Court Procedure and Administration, p. 39 (1961).

CONTINUED

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The expungement problem may become acute in situations where a driver's record of prior offenses has been requested from the Motor Vehicle Division by a court clerk before a finding has been entered by a judge on the offense charged. The driver must be assured that the judge does not consider the Motor Vehicle record until after he has entered the disposition on the offense charged. Another safeguard is that the Motor Vehicle Division not maintain a record of alleged traffic offenses by specific drivers, when such allegations were not sustained in court. To the extent that the Motor Vehicle Division maintains a record of requests by the courts for drivers' prior offenses, such a record should not be abused.

A communications system using a mixture of communication techniques is called for by the variation in caseloads among the divisions of the District Court. For those divisions having a light caseload, batch processing might be the most efficient first step toward improvement. The clerk in a smaller court would send groups of tickets on a regular basis to the Motor Vehicle Division computer facilities in Augusta, which would send back information regarding prior offenses. Courts with intermediate-sized caseloads could be handled in parallel fashion by teletype. The most efficient system for courts with small and intermediate caseloads may be a combination of teletype and batch processing; this method could be replaced

by teletype in the smaller courts.

For the courts with the heaviest traffic caseloads, computer terminals would be most effective. A computer terminal could be either a keyboard terminal (usable as a typewriter in off hours) or a TV-like visual display with an additional "hard copy" capacity. Installation of one of these devices is only slightly more difficult than that of a common typewriter. Once installed, the device would communicate with the Motor Vehicle Division in Augusta over standard telephone lines. The data processing department of the Motor Vehicle Division can recommend a specific terminal manufacturer.

Costs of installation would include the following:

<u>Type of Cost</u>	<u>Amount</u>
A. Start-up costs: systems analysis and programming for a court retrieval program	This could be done by an analyst/programmer in the MVD's data processing department. A simple program should take no longer than three months to prepare.
B. Monthly costs:	
1. Terminal	\$100-200
2. Acoustic Coupler	\$20
3. Telephone	Standard rates for voice communications

If it were decided to undertake a pilot test program in a high-volume court for six months or a year, the expense (excluding programming costs) would probably not exceed \$5000. Implementation of a pilot program would allow for the

identification of technical difficulties and problem areas in information flow before incurring the cost of a large-scale program.

12. Appellate Review and Jury Trial in Superior Court

A major concern regarding traffic matters in the Maine courts is the "transfer" problem.⁶⁶ Many minor traffic cases that might be disposed of in District Court are handled by the Superior Court as well, where a jury trial is available. (See Appendix B, Chart 23.) The Superior Court caseload has swollen to a size making reliance on negotiated pleas (or dropping of cases altogether) inevitable, without any ruling on the merits. (See Appendix B, Chart 49.) In many traffic cases that survive this screening-out process, defendants change their plea to guilty on or just before the time of hearing (see Appendix B, Chart 29), sometimes at great expense to the county in calling and empanelling a jury for the particular case. Few traffic cases go forward to trial, with or without a jury, at the Superior Court level. (See Appendix B, Charts 30 and 31.)

The transfer provision was enacted to prevent seeming abuses of the statutory provision⁶⁷ that allowed waiver of hearing at the District Court and subsequent appeal to the Superior Court for a trial de novo. Few cases are now appealed to Superior Court following District Court hearing.

⁶⁶ Under 15 M.R.S.A. §2114 (1973) and Me. Dist. Ct. Crim. Rule 40, any defendant not pleading guilty or nolo contendere in a misdemeanor proceeding must waive his right to a jury trial before his case may be heard in District Court. Should he not waive this right, his case must be transferred forthwith to Superior Court.

⁶⁷ 15 M.R.S.A. §2114 (repealed and replaced 1973).

(See Appendix B, Chart 28.) With either transfer or appeal for trial de novo, a case must be handled in two separate courts, with attendant delay between court appearances, and with the second consideration of the case no more limited in scope than the first.

THE STATUTE ENABLING A MISDEMEANOR DEFENDANT TO HAVE HIS CASE TRANSFERRED TO SUPERIOR COURT FOR JURY TRIAL SHOULD BE REPEALED. A CONSTITUTIONAL AMENDMENT SHOULD BE ADOPTED TO LIMIT CRIMINAL JURY TRIALS TO CASES IN WHICH A PENALTY OF INCARCERATION OR A FINE OF \$500 OR MORE MAY BE IMPOSED.⁶⁸

THE DISTRICT COURT SHOULD BE GIVEN EXCLUSIVE TRIAL JURISDICTION OF ALL TRAFFIC OFFENSES FOR WHICH NO PENALTY OF INCARCERATION OR A FINE OF \$500 OR MORE MAY BE IMPOSED OR FOR WHICH TRIAL BY JURY HAS BEEN WAIVED.

THE PENALTIES NOW IMPOSED FOR EACH TRAFFIC OFFENSE SHOULD BE REVIEWED AND, WHERE NECESSARY, MODIFIED SO THAT ONLY THOSE OFFENSES DEEMED SERIOUS ARE PUNISHABLE BY MEANS GRAVE ENOUGH TO WARRANT A RIGHT TO TRIAL BY JURY. TRIAL DE NOVO IN SUPERIOR COURT SHOULD NOT BE RE-INSTITUTED, AND APPELLATE REVIEW OF TRAFFIC MISDEMEANORS AND INFRACTIONS SHOULD BE LIMITED TO MATTERS OF LAW.

⁶⁸ This portion of the recommendation corresponds to that made by the Maine Trial Court Revision Commission.

The present system of jurisdiction and transfer provides little improvement over the old trial de novo system. Trial de novo may have been appropriate in times of part-time local Justices of the Peace. Many were not lawyers, and possessed limited resources for making a record of their proceedings. Both trial de novo and transfer minimize, downgrade, and under-utilize the judicial and fact-finding capacity of District Court judges, all of whom are now full-time professionals. At the same time trial de novo creates an undue burden on Superior Court judges and clerical staff. Many traffic cases that have contributed to the overload of Superior Court dockets could be handled summarily in District Court. It is now technologically feasible to use relatively inexpensive sound recording devices in District Court, so that a record can be made for appellate review on matters of law. (See above, Sound Recording, p. 64.)

An amendment to the Maine Constitution to limit the right to jury trial to criminal cases with a penalty of incarceration for longer than six months would not conflict with the right to a jury trial under the Sixth and Fourteenth Amendments of the United States Constitution. In Duncan v. Louisiana, 391 U.S. 145 (1968), the United States Supreme Court recognized the common-law view that so-called "petty offenses" may be tried without a jury,⁶⁹ and

⁶⁹See Frankfurter and Corcoran, "Petty Federal Offenses and the Constitutional Guarantee of Trial by Jury," 39 Harv. L. Rev. 917 (1926); George Kaye, "Petty Offenders Have No Peers!" 26 U. Chi. L. Rev. 245 (1959).

that only defendants accused of "serious" crimes must be afforded the right to a trial by jury. In Baldwin v. New York, 399 U.S. 66 (1970), the Supreme Court defined the line between "petty" and "serious" offenses, holding that a defendant has the right to a trial by jury under the Sixth Amendment, if his offense is punishable by a potential sentence in excess of six months' imprisonment. In the majority opinion, the Court reasoned that:

Where the accused cannot possibly face more than six months' imprisonment, we have held that these disadvantages, onerous though they may be, may be outweighed by the benefits that result from speedy and inexpensive nonjury adjudications. We cannot, however, conclude that these administrative conveniences, in light of the practices that now exist in every one of the 50 States as well as in the federal courts, can similarly justify denying an accused the important right to trial by jury where the possible penalty exceeds six months' imprisonment. (399 U.S. at 73-74.)

The abolition of jury trials for lesser offenses would have no effect on felonies. Felonious offenses, whether or not associated with motor vehicles, would still be bound over to Superior Court.

III. Appendices

Appendix A.

Summary of Interviews

For a period of nearly six weeks, eleven District Courts and nine Superior Courts were visited by our data collectors and interviewers. A variety of questions were asked in order to formulate a picture of the problems confronting the courts concerning traffic matters. (See attached interview form, page 89)

The majority of District Courts visited had one judge (a small percentage had two) who sat an average of two days a week in that court, dividing their remaining time among the other courts. In the large communities, the judges sat every day in the same court. Courtroom facilities and appearances were as varied as the communities. Some were extremely well kept, while others were found to be too small, with uncomfortable seating and poor acoustics. All were professional in appearance.

The results of the interviews of District Court personnel revealed that ordinance violations present virtually no problems. Traffic was the major problem. In 1971, the Maine District Court reported a total of 62,584 traffic cases, or 68% of its total case load for that year. By 1973, there was an increase to 94,497 traffic cases, or 72% of the total case load for the year.⁷⁰ Although each court is available to police forces from several communities, the largest single

⁷⁰ See Appendix B, Chart 1.

source of traffic cases is the state police.

It was learned that regardless of how many times an individual is cited for a traffic offense, very few courts keep any sort of record (in the form of a folder, card file, etc.). Only two of the eleven District Court divisions sampled did so, and in other divisions a repeat offender might be identified only if he were a local resident that clerks knew by sight. There was little likelihood that a non-local driver would be identified as a repeat offender, so that judges were generally unable after adjudicating cases to impose sentences taking repeat offenses into account. Although the Motor Vehicle Division keeps a record of traffic offenses by Maine drivers, communications between any District Court and Motor Vehicle Division were only sporadic. As a result, courts were not in a position to acquire current information from Motor Vehicle Division about drivers licensed in Maine.

Much of the District Court clerks' time is consumed with the handling of traffic matters. Because of the ever-increasing volume of traffic cases, clerks feel that other matters do not receive the attention they deserve. They expressed a feeling that the utilization of violations bureaus and the use of a uniform traffic ticket would serve to improve the current situation.

Approximately 30% of the courts allow partial payments if a defendant does not have money to pay a fine, even though clerks feel they do not have the time and are not equipped to handle such a procedure. Yet there seems to be very little choice open to some defendants. From the clerks' viewpoint, a preferable method of dealing with this situation is the suspension of execution of the fine until such time as the defendant has the necessary funds available.

Transfers are the major problem in the Superior Courts, according to all persons interviewed. Judges, police and clerks opined that transfers are being used as a delay tactic by offenders, thus clogging the system. Both judges and clerks said that most transfer cases posed a difficult problem for them. They felt that they should be concentrating their full effort on serious criminal matters and not on certain classes of traffic violations such as "passing a stop sign," "failure to stop," or "parking violations." Much of the courts' caseload since October, 1973, has consisted of transfers. One court was found to have 476 cases pending in May 1974, of which 224 were traffic matters. On several occasions the remark was made that "transfers will ruin the Superior Court if they keep up"; this seems to be the prevailing mood.

To summarize the general tone of the interviews with members of the state police and officers from local police departments, the recurring theme was that a uniform traffic ticket is necessary. One chief of police stated that such a uniform ticket would not only reduce paperwork, but would enable departments to assign more men to the field for longer periods of time.

People interviewed in the Division of Motor Vehicles agreed with the state police and the local police concerning a uniform traffic ticket. It was the opinion of some that the majority of traffic cases could be handled administratively and that traffic matters can be taken out of the courts altogether. The New York program was discussed as an example of a computerized administrative adjudication system that some thought might be feasible in Maine.

Interview Guide

The following questions were used as a guide during interviews in visits to courts, police, and the Motor Vehicle Division. The questions were not intended to be used in a manner that would allow statistical tabulation of responses.

1. What problems do ordinance violations present to the courts?
2. List the ordinance violations handled by the court.
3. What is the ratio of prosecution for violations of state law to that for ordinance violations?
4. How many local police are there serving the community?
5. How are court records handled? Specifically:
 - a. Who has the informal responsibility for handling records in each court? (asst. clerk?)
 - b. Who receives tickets from police? How are they accounted for?)
6. Does the court report disposition of cases to related authorities?
 - a. To state and local police?
 - b. To the Motor Vehicle Division?
7. Who has the functional responsibility for accounting and administration of revenues?
8. How many judges are there available at the location? How often do they sit?
9. Which localities provide the greatest number of traffic violations to the court? Is this relevant?
10. What happens if the defendant doesn't appear?
11. How many repeat offenders are there, and who keeps the records of such offenders?
12. If defendant doesn't have the money to pay the fine, what happens? Who keeps the records? Is partial payment or installment payment allowed?

13. Does the judge take the defendant's prior record into account? If so, when?
14. Under what circumstances is the defendant provided with a defense attorney? How does this relate to severity of violations?
15. Do the judge and the clerical staff perform other court-related functions? If so, which ones?
16. Are separate traffic sessions held? Daily sessions? Night sessions?
17. How are drivers under 18 years of age dealt with? How many such cases are there? How many and what kind of cases for minors are dealt with in "adult" traffic sessions? How many of each kind are dealt with in juvenile session?
18. What traffic offenses are most common in this court?
19. What percentage of cases in this court are traffic cases?
20. For what offenses is appearance mandatory?
21. How many defendants are local? Out of state?
22. What is the cost of the various forms that could be replaced by the Uniform Traffic Ticket?
23. How much time is consumed by the clerk in handling traffic complaints, etc.?
24. How much time is consumed by the clerk with matters that could be covered by Uniform Traffic Ticket.
25. Obtain a copy of the local traffic ticket.

Appendix B. Statistics

Methodology

A random sample of traffic cases was taken from 11 District Courts and 9 Superior Courts for the years 1972, 1973, and 1974 by our data collectors.

For the District Court sample, the month of May in each of the selected years was chosen as the representative month. Information was collected from a percentage of all the traffic cases that had hearings during the month of May for our study.

The Superior Court sample consisted of 5% of all traffic cases which were entered in the Criminal Docket during each of the 3 years.

The field phase of our study which consisted of visits to 11 District Courts and 9 Superior Courts and involved field interviews and questionnaire survey research as well as data collection and is all but complete. The courts that we selected were chosen because they were representative of all the communities in the State of Maine. We were careful to include high and low density population areas, affluent areas, resort communities, and politically potent communities.

The raw data, collected during the field phase of the study, has been processed into more usable form with the assistance of the computer facilities of Boston University. Other data has been made available by the Office of the Chief Justice of the Maine Supreme Judicial Court, the Office of the Chief Judge of the Maine District Court, and the computer facilities of the Motor Vehicle Division of the Maine Secretary of State. Charts and tables included in this Appendix reflect our findings from the analysis of the complete body of data that we have thus assembled.

NOTE
(Relating to Charts 9, 11, 12, 13, 14, 18, 35, 37, 38,
39, 40, and 44 and Tables 2, 3, 8 and 9.)

In order to present a clear and consistent picture of the trends of various offenses illustrated in charts and tables in this study it was necessary to combine some seemingly indistinguishable offense titles and their related data found in the "Maine Motor Vehicle Division Statistics for all Courts."

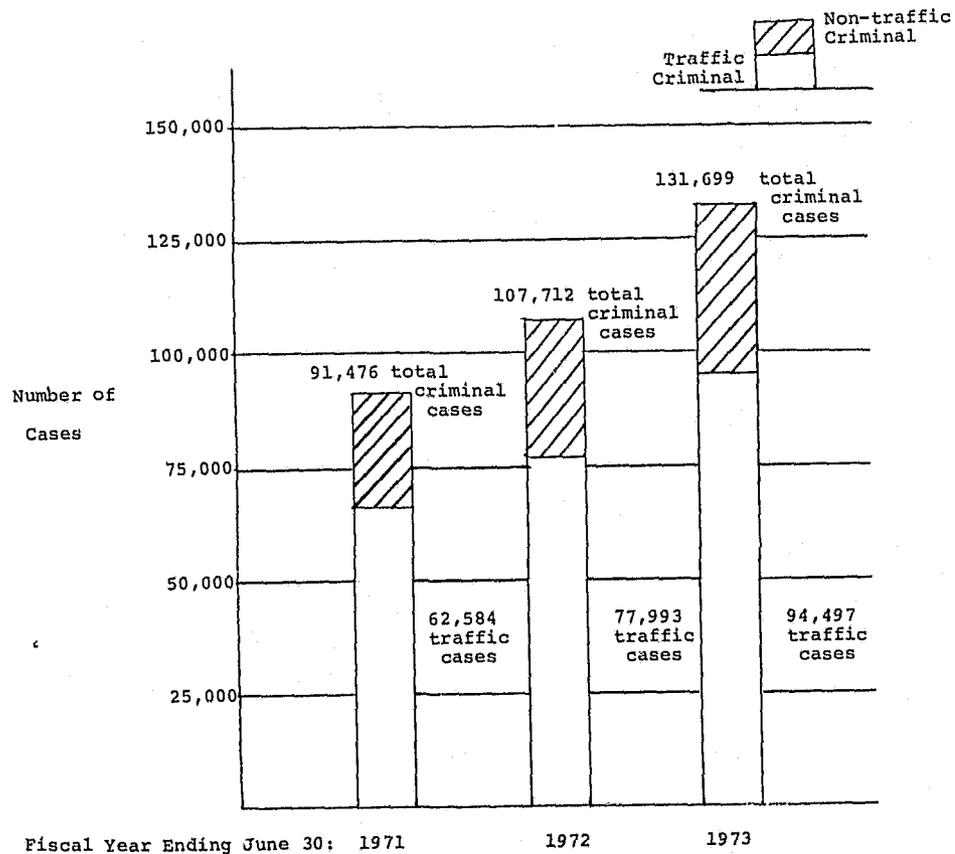
Since the Motor Vehicle Division began keeping computerized records in 1969, it has created and abandoned numerous offense titles for two reasons. The first involves legislative changes in the statutory language and definition of an offense. For example, changes were made in the "operating under the influence of drugs or liquor" statute (29 M.R.S.A. §1312) in 1969, 1971, 1972 and 1973. Subsequent to these changes the Motor Vehicle Division changed their title twice. As a result, we have combined three titles in order to construct an accurate picture of this offense over a three year period.

The second involved changes by the Secretary of State in point totals and the definitions of offenses with particular point totals. (29 M.R.S.A. §2241.2 enables the Secretary of State to make such changes.) For example, on January 1, 1972, the point total for "speeding 10 to 14 miles per hour over the limit" (29 M.R.S.A. §1252) was changes from two to three. Subsequently the Motor Division added another title to their computerized records with the same name but a different point total. Another example involved a change in definition. On

the above date the wording of the offense "speeding 31 plus miles per hour over the limit" (29 M.R.S.A. §1252) was changed to "speeding 30 plus miles per hour over the limit." As a result another title was added to Motor Vehicle Divisions list. All of the offenses which appear in charts and tables in this study have, where necessary, been combined to provide useful figures.

Appendix B. Statistics

Chart 1. Number of District Court Criminal Cases and Traffic Cases (By Year)*



Fiscal Year Ending June 30: 1971

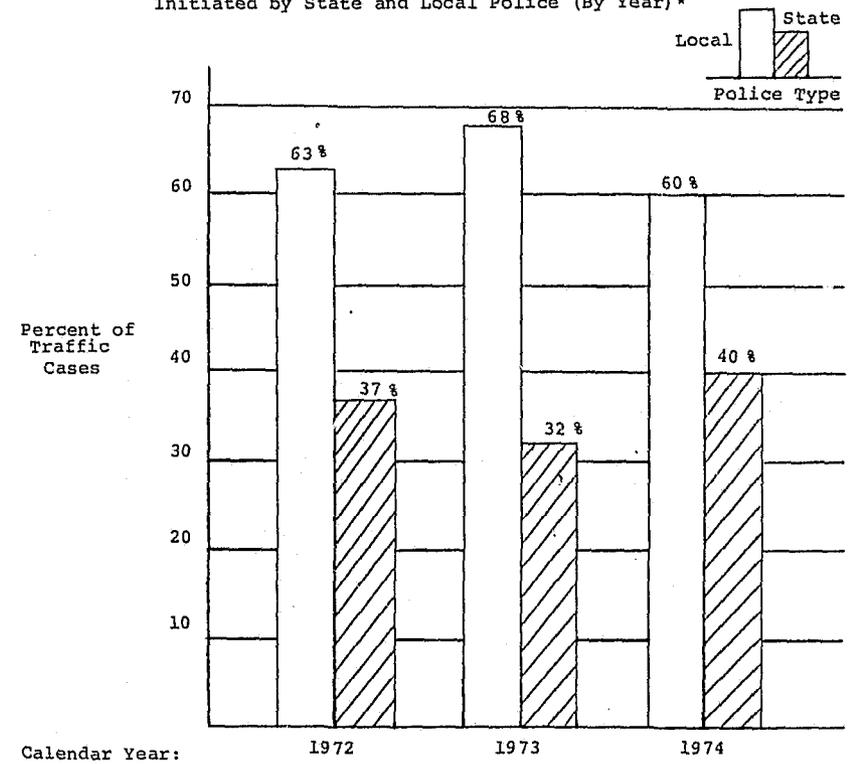
1972

1973

*Source: Maine District Court Reports of Total Cases (mimeo 1971, 1972, 1973).

Appendix B. Statistics

Chart 2. Comparison of District Court Traffic Cases Initiated by State and Local Police (By Year)*



Calendar Year:

1972

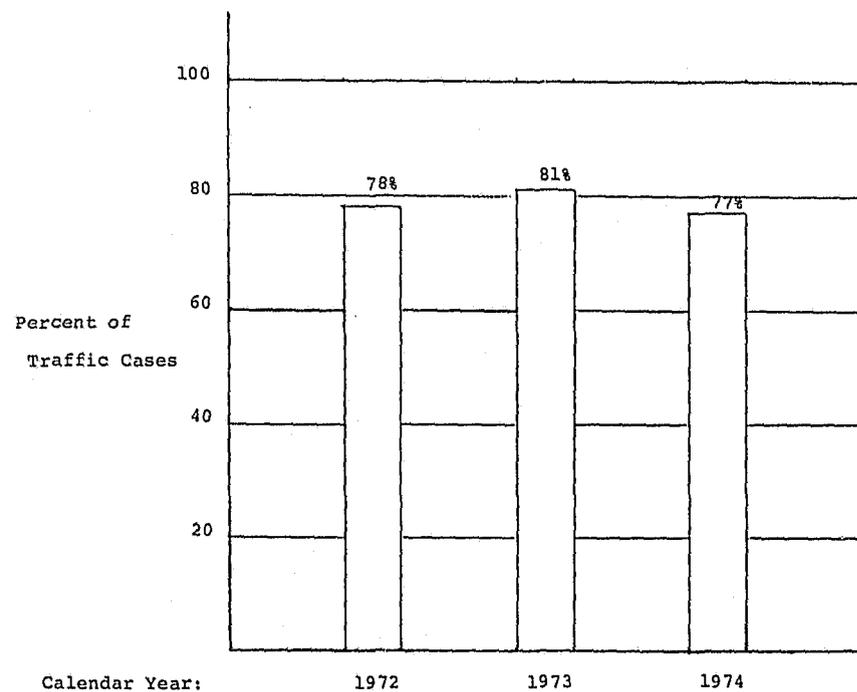
1973

1974

*Source: Sample conducted by National Center for State Courts, 1974 (Sample Size: 1972, 214 cases; 1973, 231 cases; 1974, 274 cases.)

Appendix B. Statistics

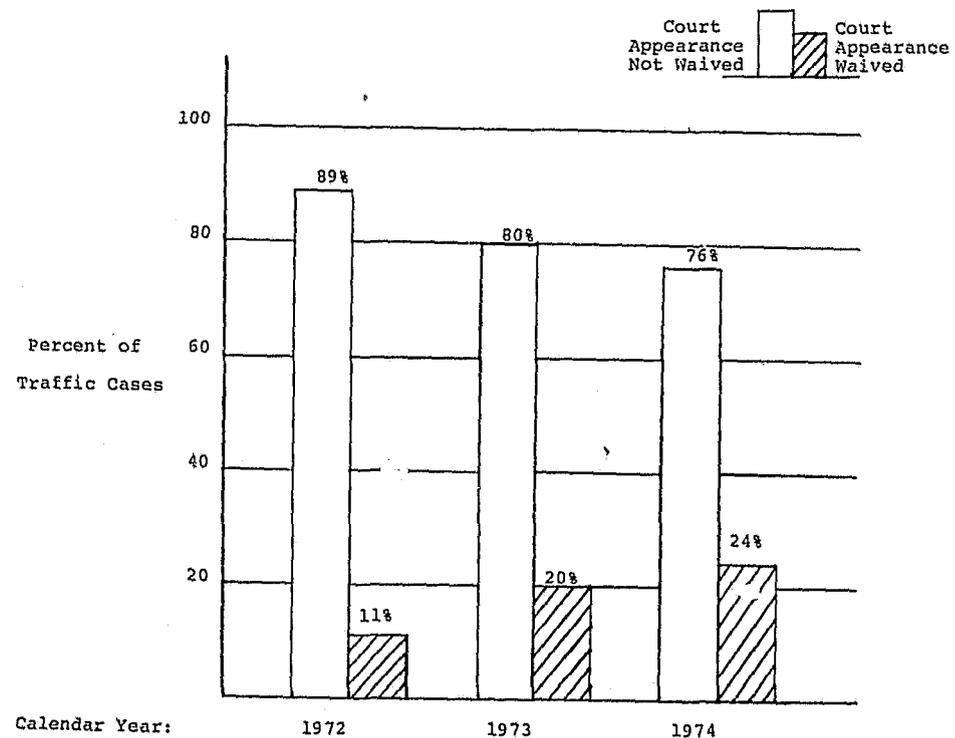
Chart 3. Percentage of District Court Traffic Cases in which Fine was Imposed (by Year)*



*Source: Sample conducted by National Center for State Courts, 1974.
(Sample Size: 1972, 214 cases; 1973, 231 cases; 1974, 276 cases.)

Appendix B. Statistics

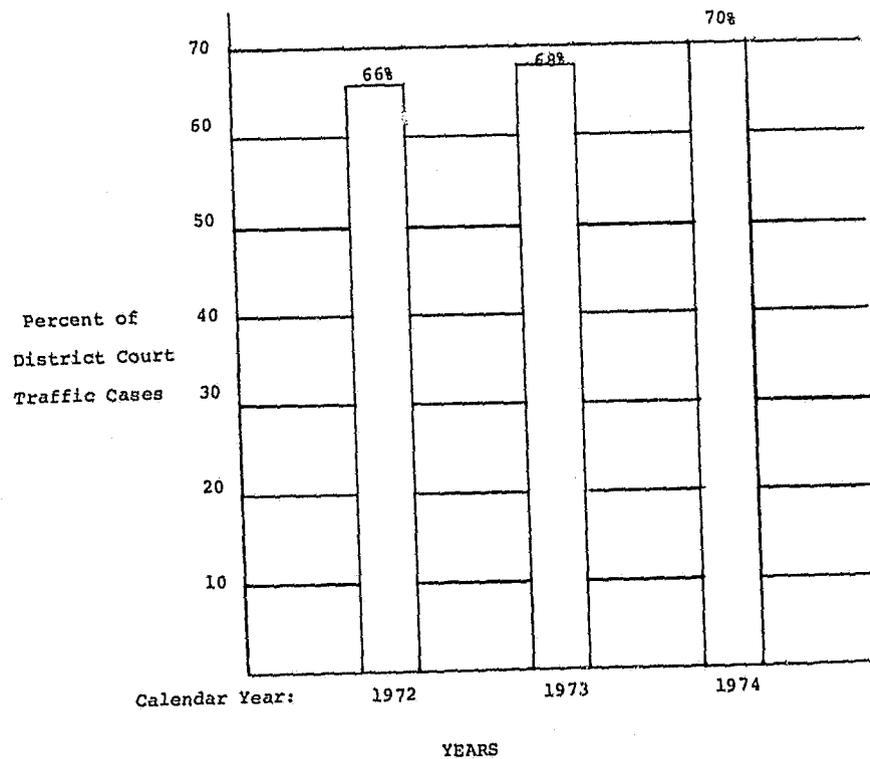
Chart 4. Percentage of Traffic Cases in which Court Appearance was Waived Compared to those in which Court Appearance was Not Waived in District Court (By Year)*



*Source: Sample conducted by National Center for State Courts, 1974.

(Sample Size: 1972, 214 cases; 1973, 231 cases; 1974, 276 cases.)

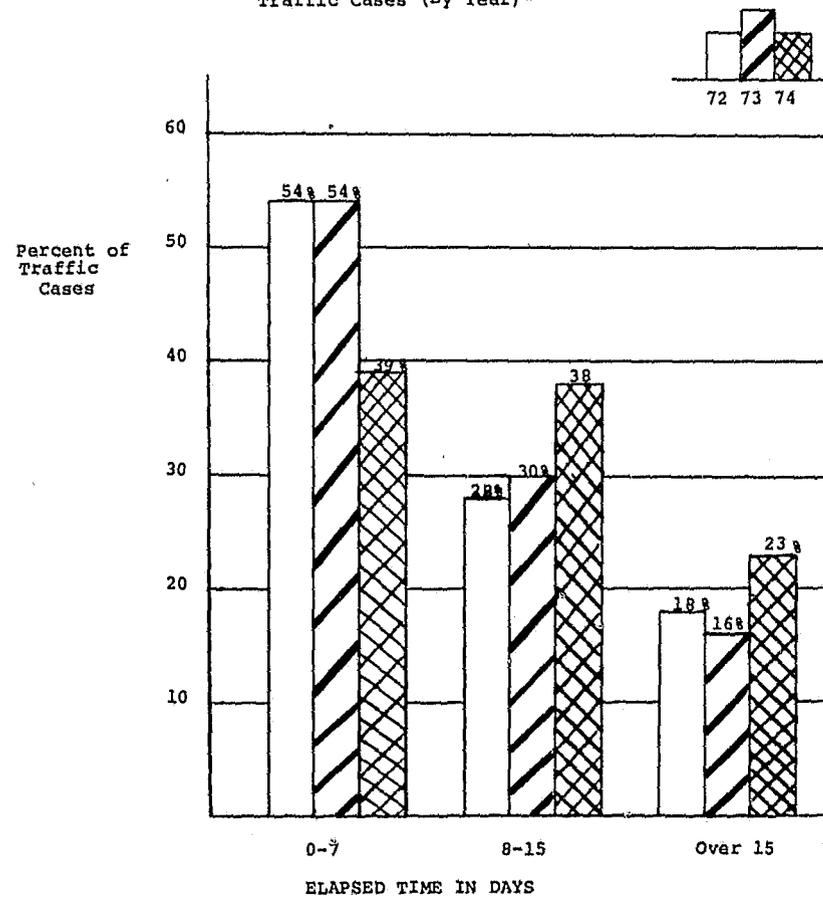
Appendix B. Statistics
 Chart 5, District Court
 Traffic Cases in which
 Defendant Plead Guilty,
 was Found Guilty and
 Fine was Imposed (By Year)*



* Source: Sample conducted by National Center for State Courts, 1974
 (Sample size: 1972, 214 cases; 1973, 231 cases; 1974, 276 cases.)

Appendix B. Statistics

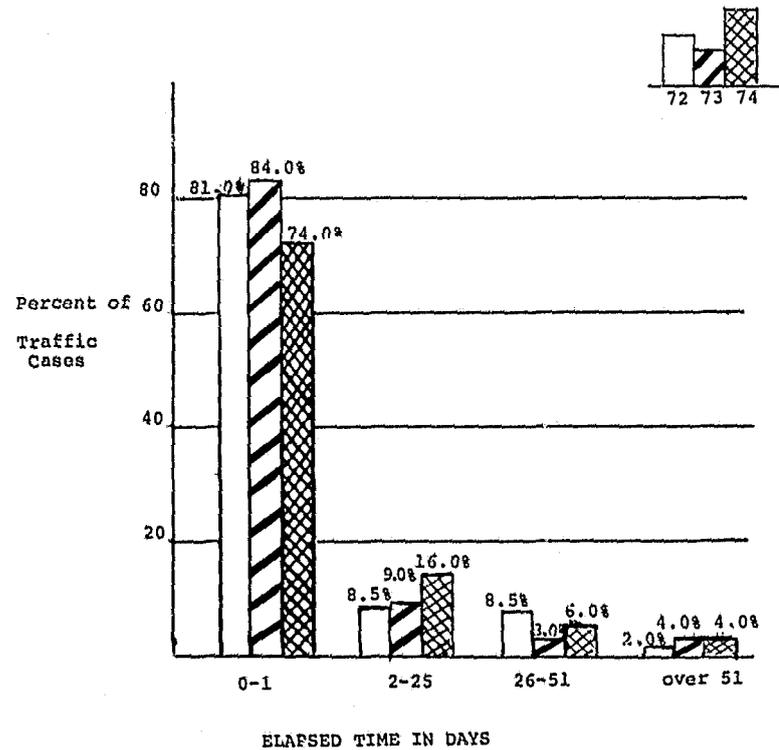
Chart. 6 Time Elapsed from
 Offense Date to First Appearance
 Date for District Court
 Traffic Cases (By Year)*



* Source: Sample conducted by National Center for State Courts, 1974
 (Sample size: 1972, 175 cases; 1973, 199 cases; 1974, 239 cases.)

Appendix B. Statistics

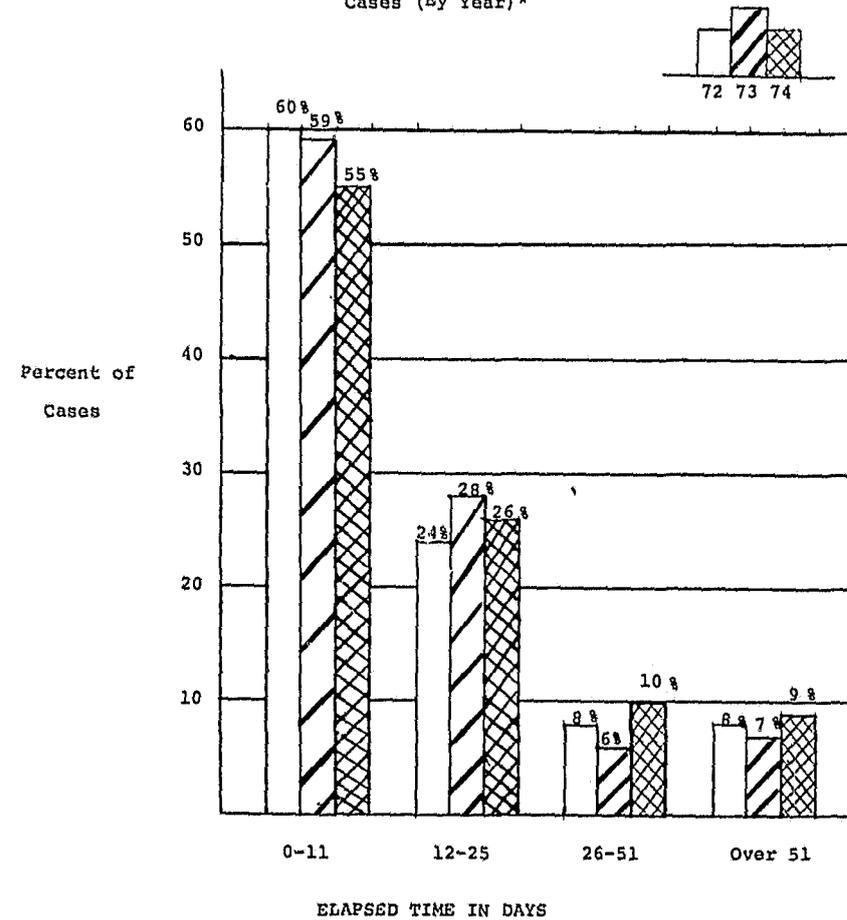
Chart 7. Time Elapsed from First Appearance Date to Disposition Date for District Court Traffic Cases (By Year)*



* Source: Sample conducted by National Center for State Courts, 1974 (Sample size: 1972, 175 cases; 1973, 199 cases; 1974, 239 cases.)

Appendix B. Statistics

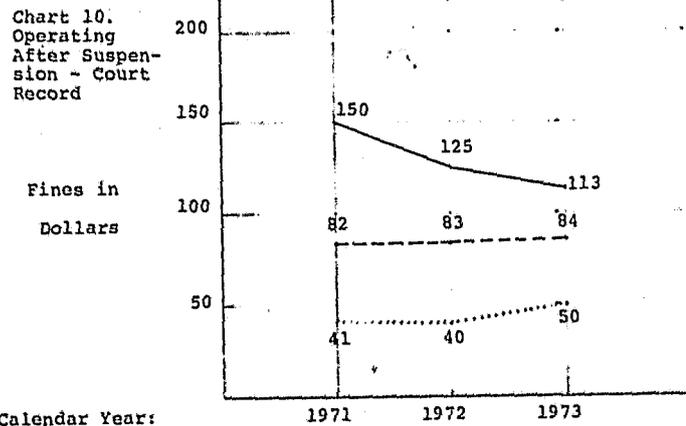
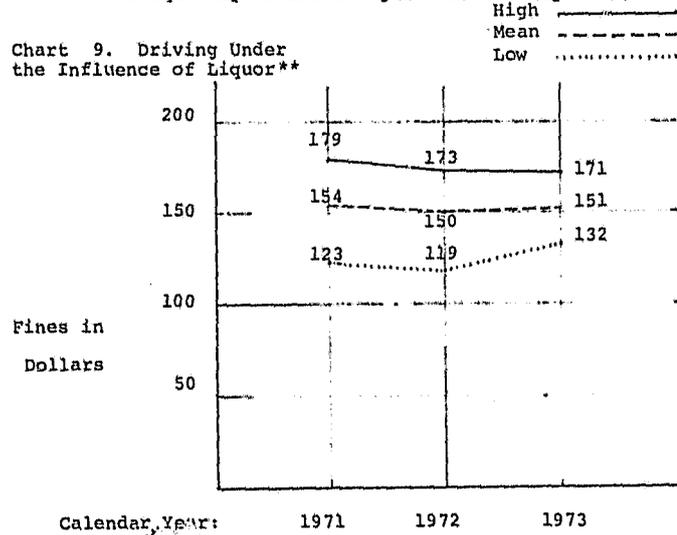
Chart 8. Time Elapsed from Offense Date to Disposition Date for District Court Traffic Cases (By Year)*



Source: Sample conducted by National Center for State Courts, 1974 (Sample size: 1972, 175 cases; 1973, 199 cases; 1974, 239 cases.)

Appendix B. Statistics

Comparison of Average Fines in District Court for Frequently Violated Major Offenses (By Year)*



*Source: Maine Motor Vehicle Division statistics for all courts.
**See note above, p.92.

Appendix B. Statistics

Comparison of Average Fines in District Court for Most Frequently Violated Speeding Offenses (By Year)*

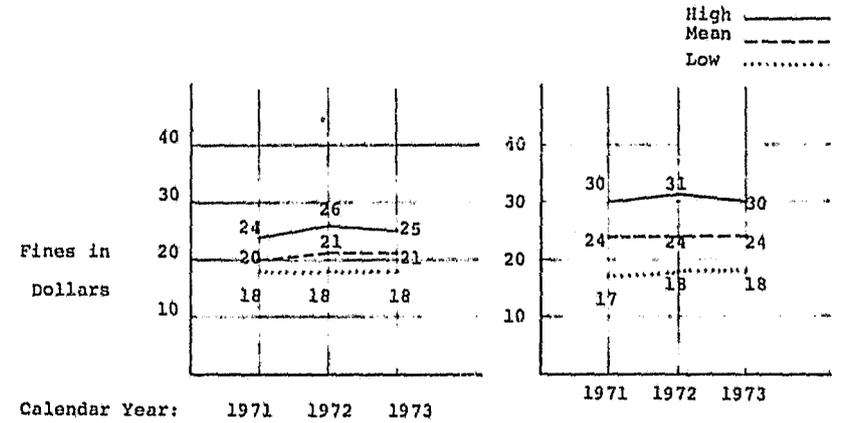
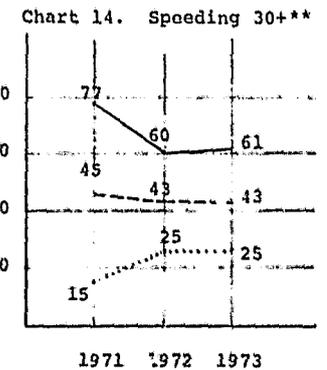
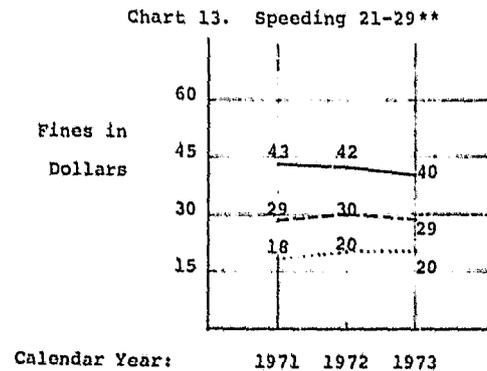


Chart 11. Speeding 10-14**

Chart 12. Speeding 15-20**



Calendar Year: 1971 1972 1973

*Source: Maine Motor Vehicle Division Statistics for all courts.
**See note above, p.92.

Appendix B. Statistics

Comparison of Average Fines in District Court for Frequently Violated Minor Offenses (By Year)*

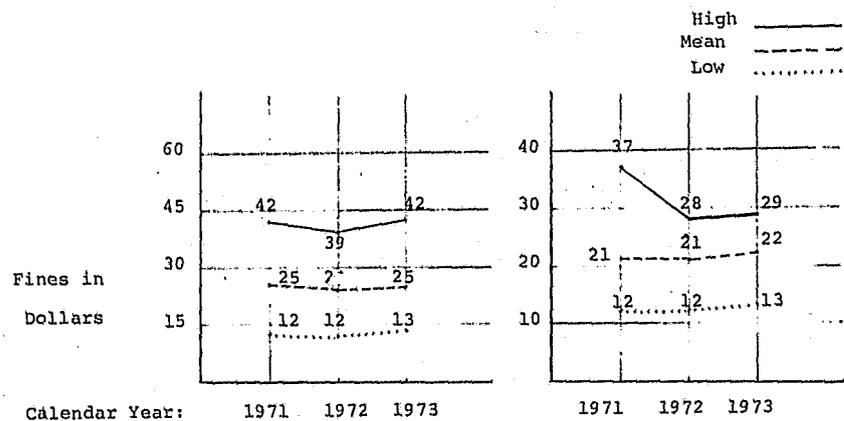
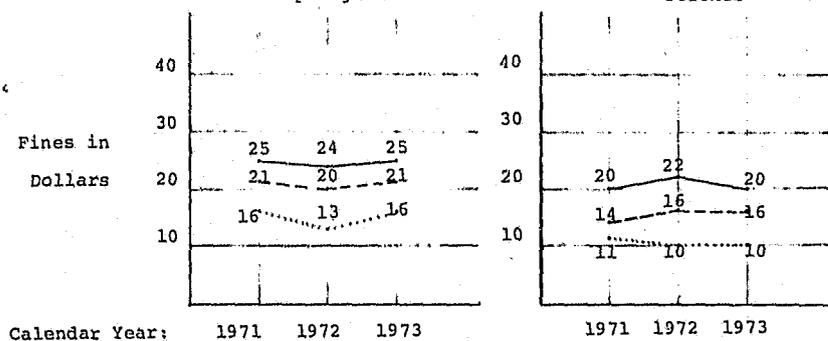


Chart 15. Operating without a License

Chart 16. Operating without a Registration

Chart 17. Failure to Obey Stop Signal

Chart 18. No Inspection Sticker **

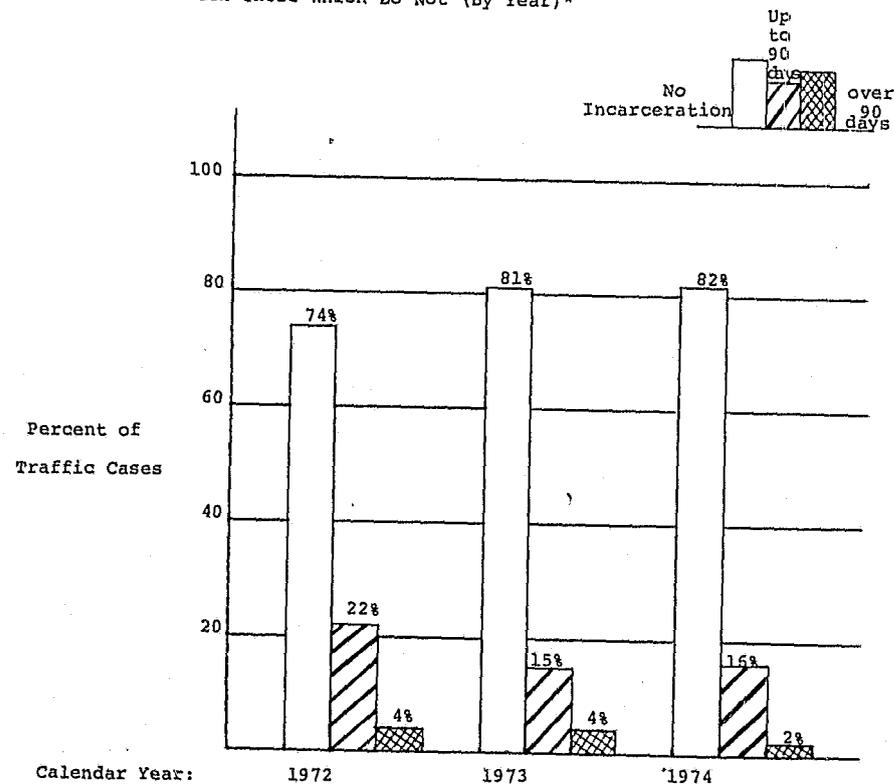


*Source: Maine Motor Vehicle Division statistics for all courts.

**See note above, p. 92.

Appendix B. Statistics

Chart 19. Comparison of District Court Traffic Cases Which Include the Statutory Possibility of Imprisonment With Those Which Do Not (By Year)*



*Source: Sample conducted by National Center for State Courts, 1974.

(Sample Size: 1972, 214 cases; 1973, 231 cases; 1974, 276 cases.)

Appendix B. Statistics

Chart 20. Percentage of Traffic Cases in which Incarceration was Imposed in District Court (By Year)*

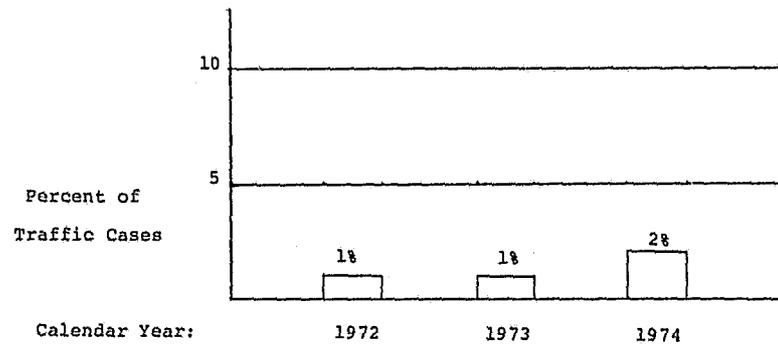
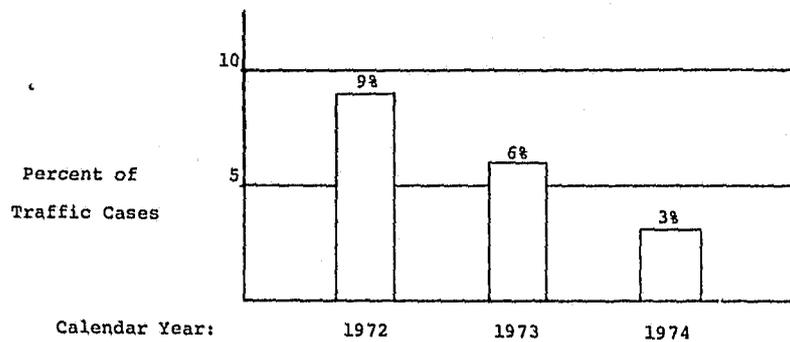


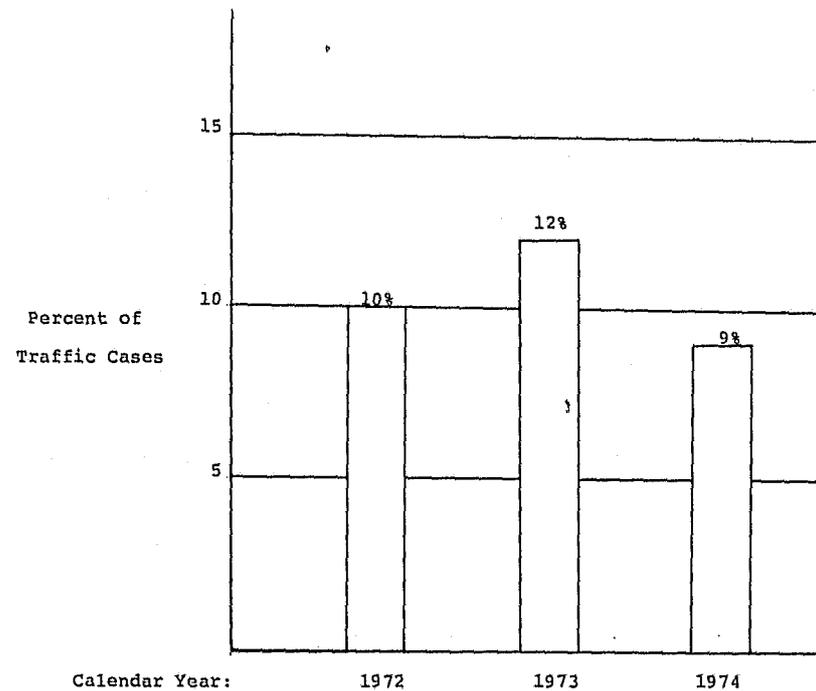
Chart 21. Percentage of Traffic Cases in which Licenses were Temporarily Suspended in District Court (By Year)*



*Source: Sample conducted by National Center for State Courts, 1974.
(Sample Size: 1972, 214 cases; 1973, 231 cases; 1974, 276 cases.)

Appendix B. Statistics

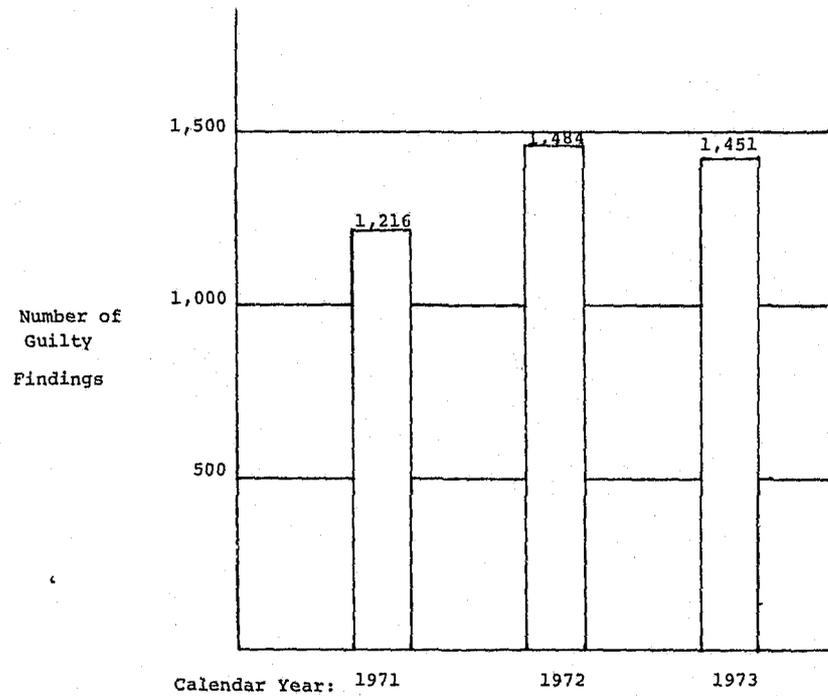
Chart 22. Percentage of Traffic Cases in which Execution of Sentence was Deferred in District Court (By Year)*



*Source: Sample conducted by National Center for State Courts, 1974.
(Sample Size: 1972, 214 cases; 1973, 231 cases; 1974, 276 cases.)

Appendix B. Statistics

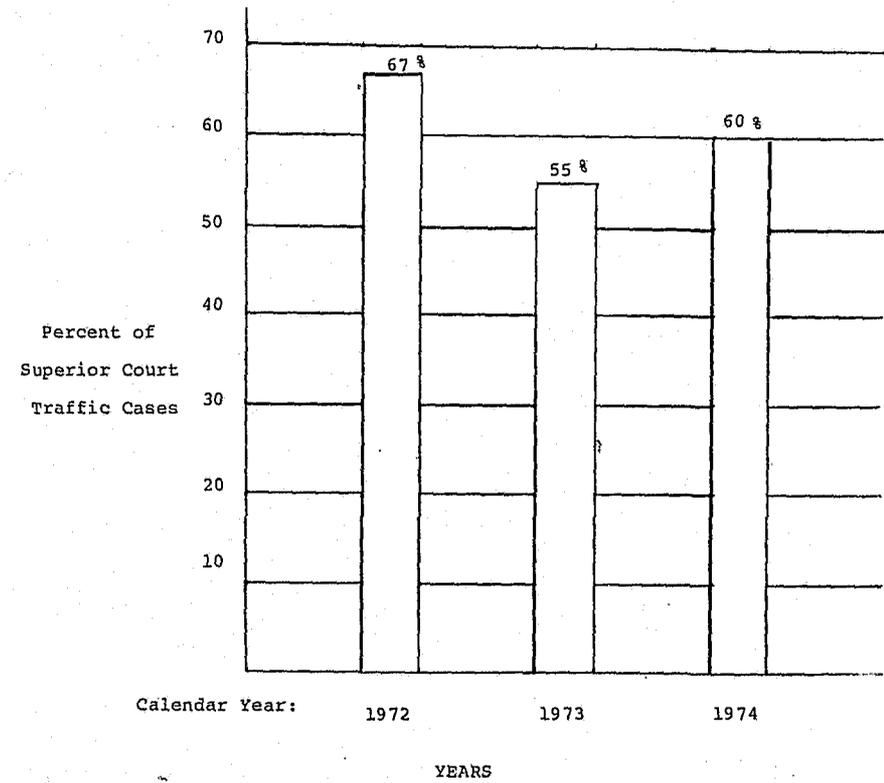
Chart 23. Number of Superior Court Traffic Cases in which Defendant was Found Guilty (By Year)*



*Source: Maine Motor Vehicle Division statistics for all courts.

Appendix B. Statistics

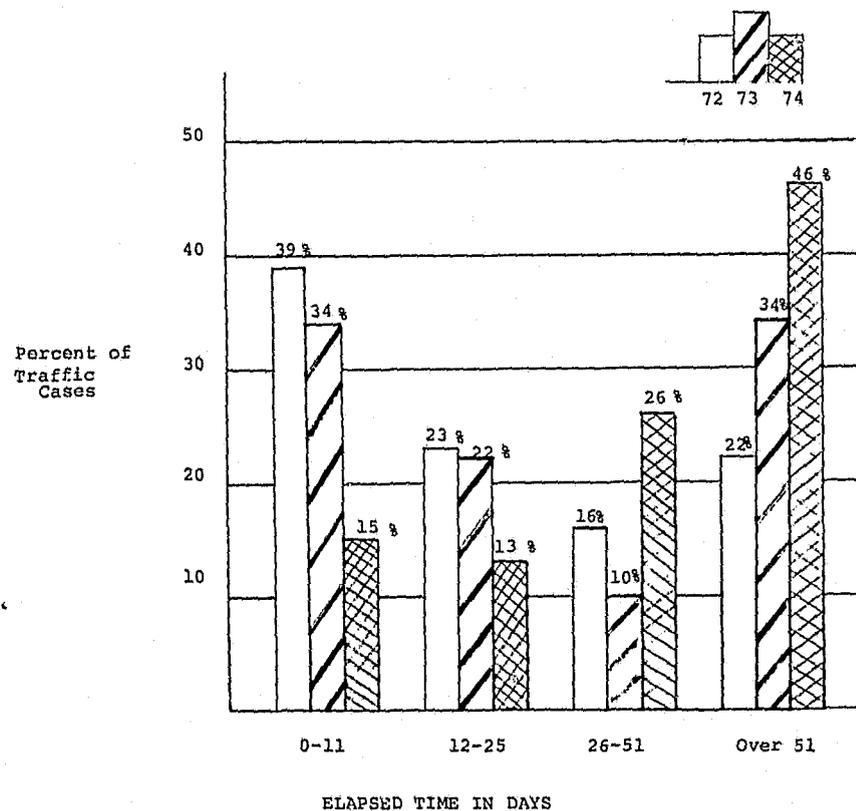
Chart 24. Percentage of Superior Court Traffic Cases in which Fine was Imposed (By Year)*



*Source: Sample conducted by National Center for State Courts, 1974 (Sample size: 1972, 88 cases; 1973, 86 cases; 1974, 89 cases.)

Appendix B. Statistics

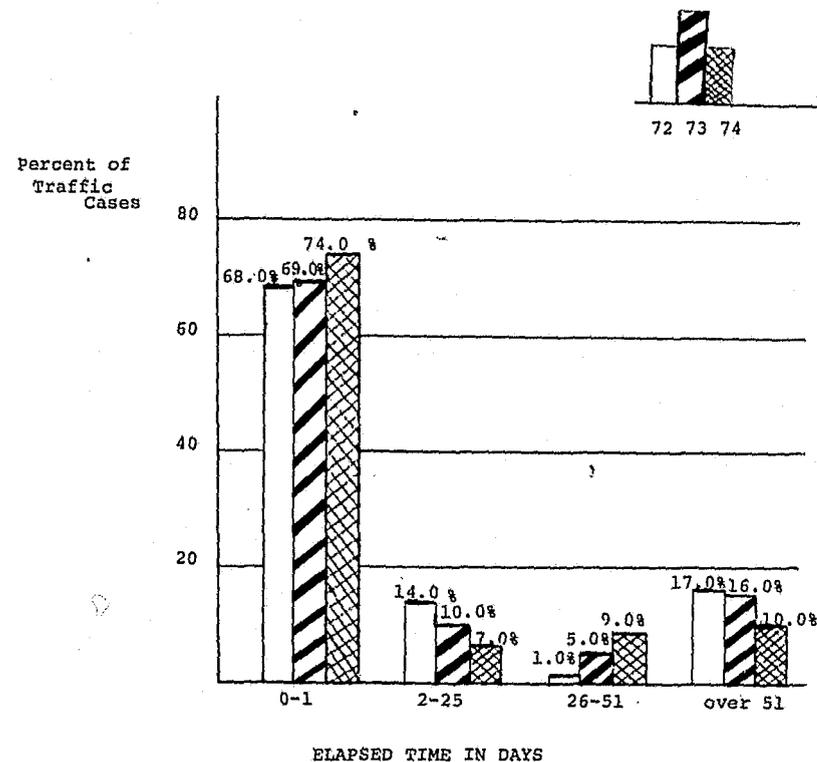
Chart 25. Time Elapsed from Entry Date to First Appearance Date in Superior Court Traffic Cases (By Year)*



*Source: Sample conducted by National Center for State Courts, 1974 (Sample Size: 1972, 88 cases; 1973, 86 cases; 1974, 89 cases.)

Appendix B. Statistics

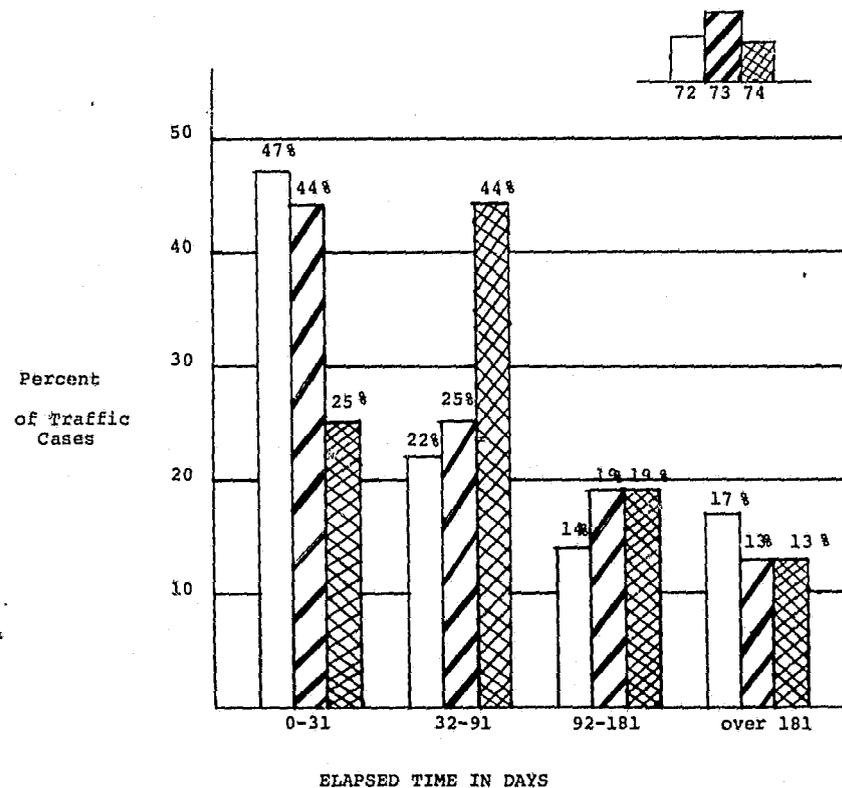
Chart 26. Time Elapsed from First Appearance Date to Disposition Date in Superior Court Traffic Cases (By Year)*



*Source: Sample conducted by National Center for State Courts, 1974 (Sample size: 1972, 88 cases; 1973, 86 cases; 1974, 89 cases.)

Appendix B. Statistics

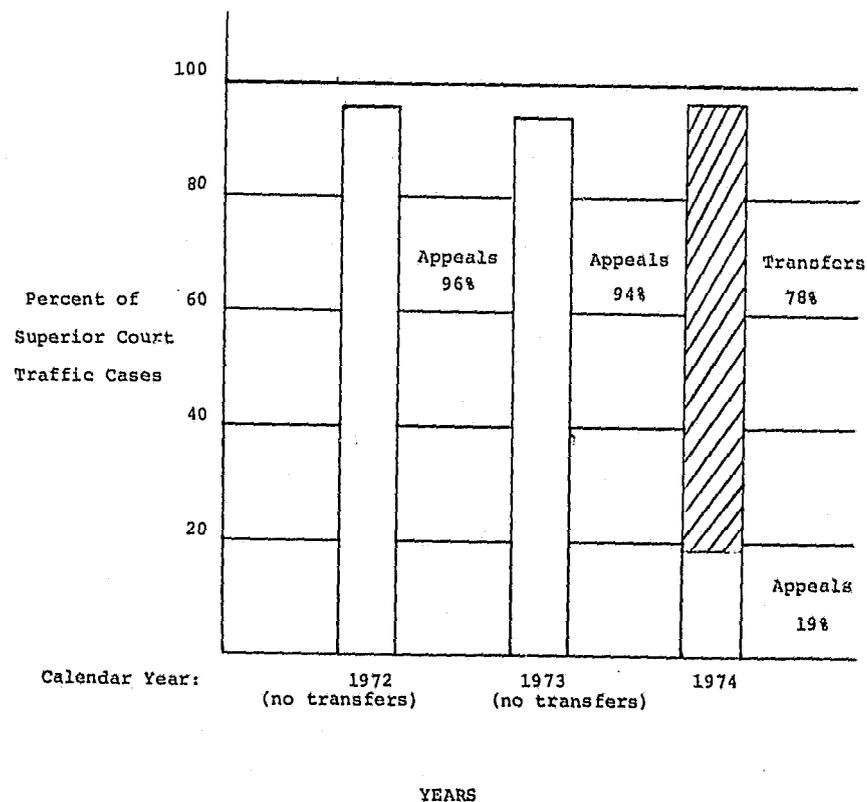
Chart 27. Time Elapsed from Entry Date to Disposition Date in Superior Court Traffic Cases (By Year)*



*Source: Sample conducted by National Center for State Courts, 1974 (Sample size: 1972, 88 cases; 1973, 86 cases; 1974, 89 cases.)

Appendix B. Statistics

Chart 28. Percentage of Traffic Cases Entered in Superior Court by Transfer or Appeal (By Year)*



*Source: Sample conducted by National Center for State Courts, 1974 (Sample size: 1972, 88 cases; 1973, 86 cases; 1974, 89 cases.)

Appendix B. Statistics

Chart 29. Percent of Traffic Cases in which Guilty Plea was Entered in Superior Court after Appeal or Transfer (By Year)*

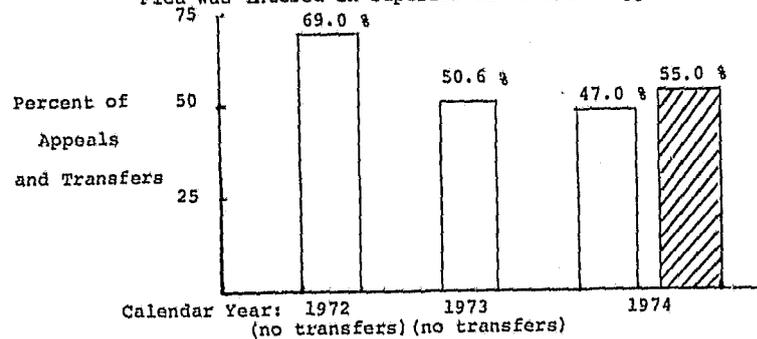


Chart 30. Percent of Transferred or Appealed Traffic Cases Tried to Jury in Superior Court (By Year)*

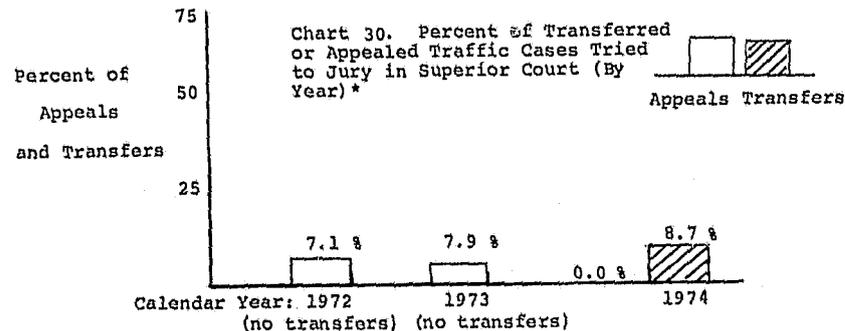
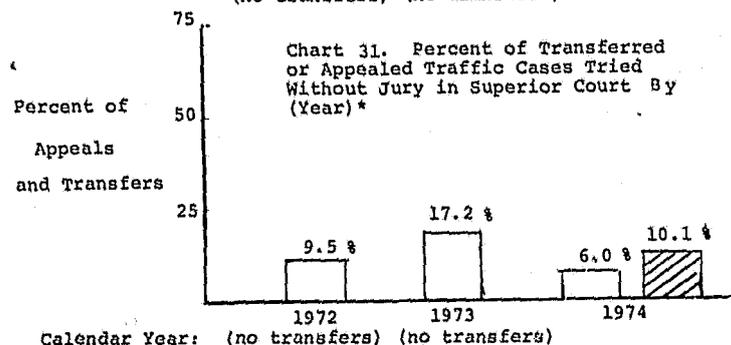


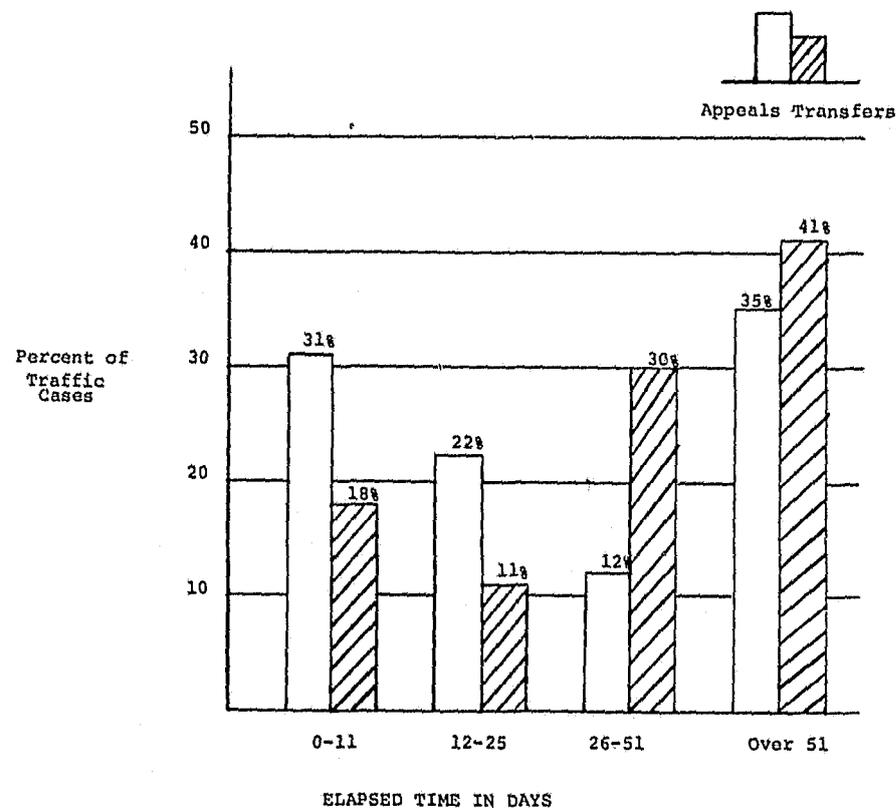
Chart 31. Percent of Transferred or Appealed Traffic Cases Tried Without Jury in Superior Court By (Year)*



*Source: Sample conducted by National Center for State Courts, 1974 (Sample size: 1972, 88 cases; 1973, 86 cases; 1974, 89 cases.)

Appendix B. Statistics

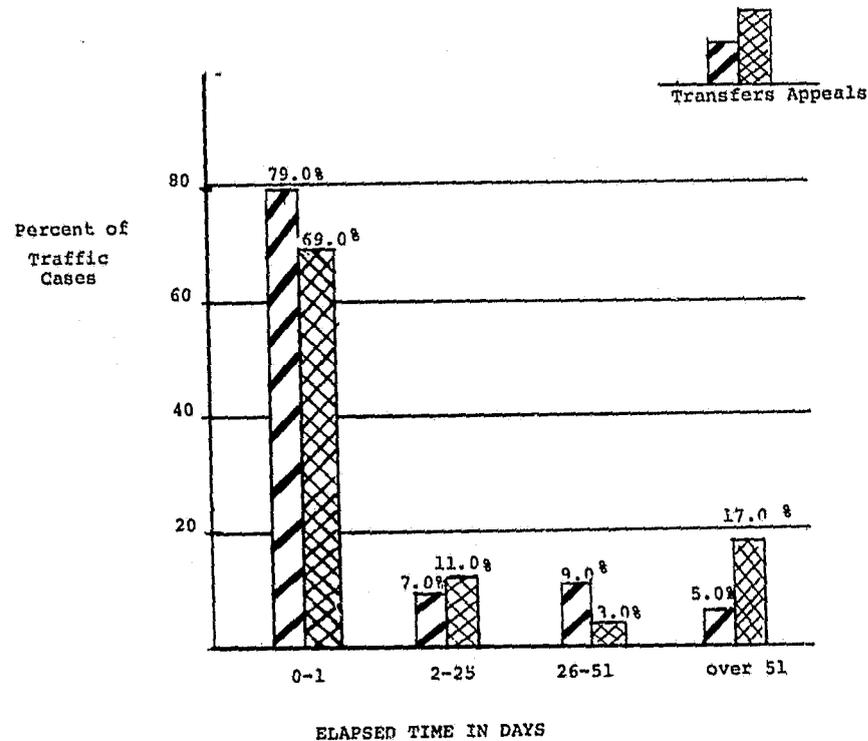
Chart 32. Time Elapsed from Entry Date to First Appearance Date in Superior Court for Traffic Cases Appealed or Transferred (1972, 1973, 1974 combined)*



*Source: Sample conducted by National Center for State Courts, 1974 (Sample size: 1972, 88 cases; 1973, 86 cases; 1974, 89 cases.)

Appendix B. Statistics.

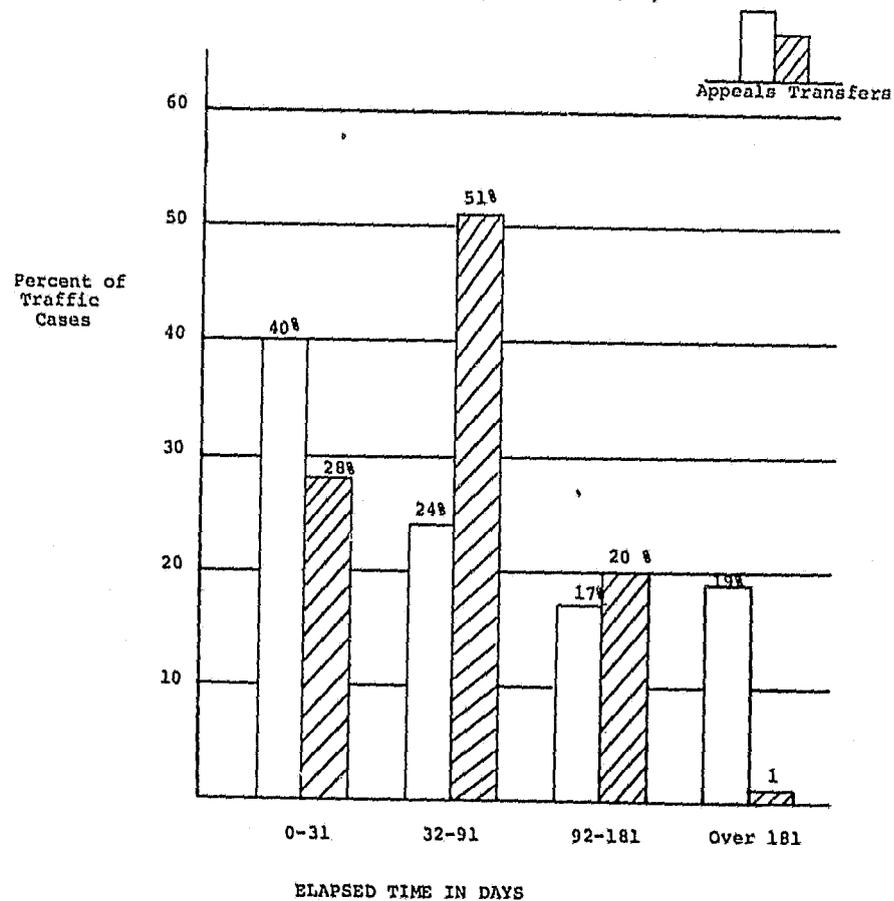
Chart 33. Time Elapsed from First Appearance Date to Disposition Date in Superior Court for Traffic Cases Appealed or Transferred (1972, 1973, 1974 combined)*



*Source: Sample conducted by National Center for State Courts, 1974 (Sample size: 1972, 88 cases; 1973, 86 cases; 1974, 89 cases.)

Appendix B. Statistics

Chart 34. Time Elapsed from Entry Date to Disposition Date in Superior Court for Traffic Cases Appealed or Transferred (1972, 1973, 1974 combined)*



*Source: Sample conducted by National Center for State Courts, 1974 (Sample size: 1972, 88 cases; 1973, 86 cases; 1974, 89 cases.)

Appendix B. Statistics

Comparison of Average Fines in Superior Courts for Frequently Violated Major Offenses (By Year)*

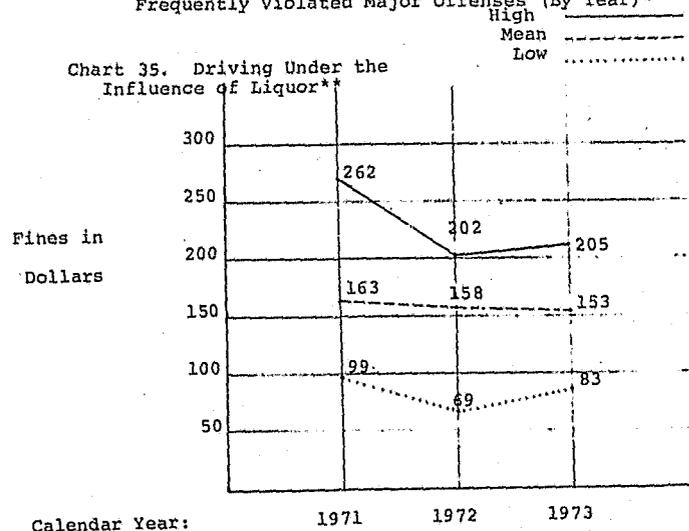
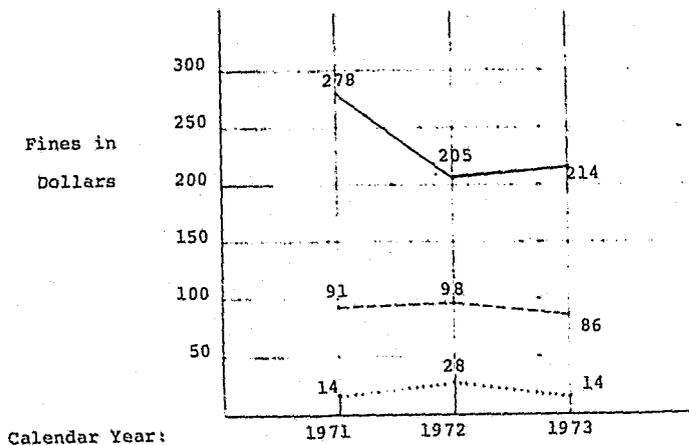


Chart 36. Operating After Suspension - Court Record



*Source: Maine Motor Vehicle Division statistics for all courts.
**See note above, p. 92.

Appendix B. Statistics

Comparison of Average Fines in Superior Courts for Most Frequently Violated Speeding Offenses (By Year)*

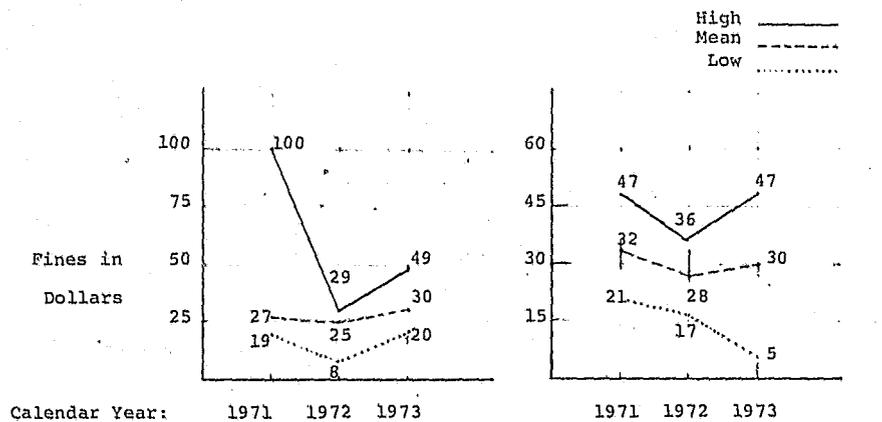


Chart 37. Speeding 10-14**

Chart 38. Speeding 15-20**

Chart 39. Speeding 21-29**

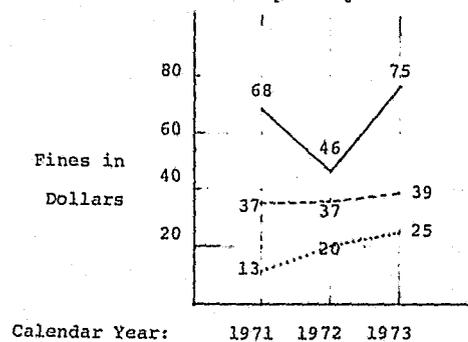
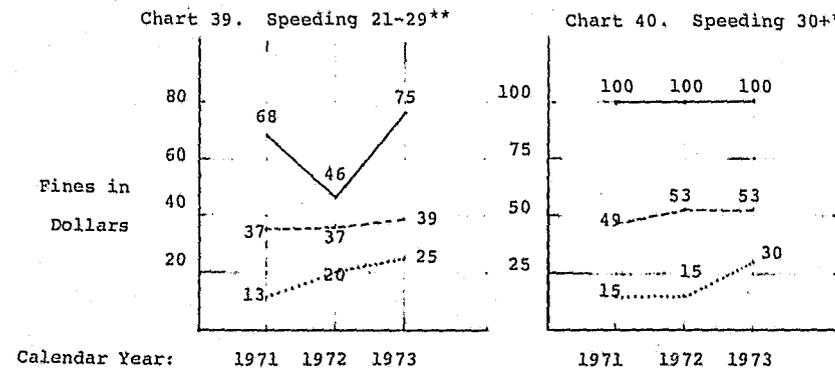


Chart 40. Speeding 30+**



*Source: Maine Motor Vehicle Division statistics for all courts.
**See note above, p. 92.

Appendix B. Statistics

Comparison of Average Fines in Superior Court for Frequently Violated Minor Offenses (By Year)*

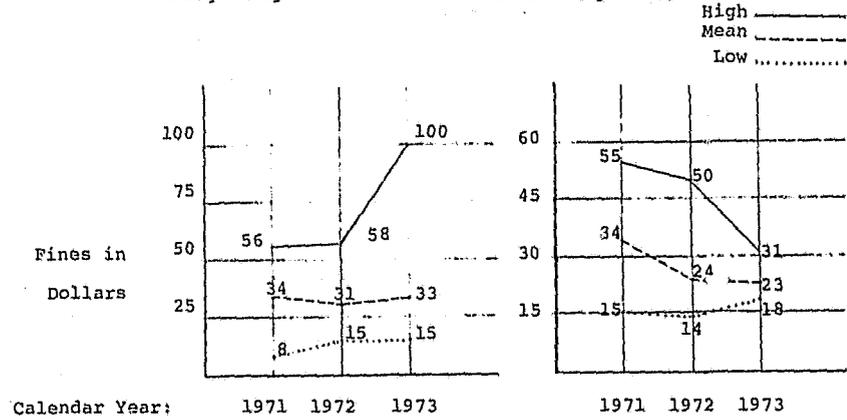


Chart 41. Operating Without a License

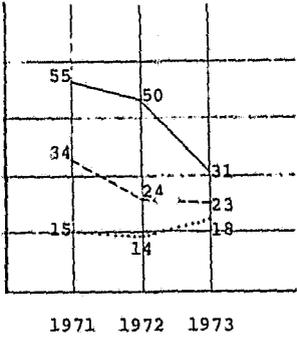
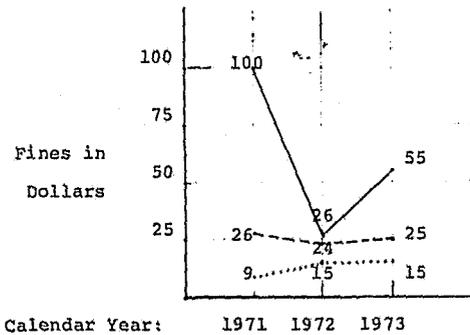


Chart 42. Operating Without a Registration

Chart 43. Failure to Obey Stop Signal

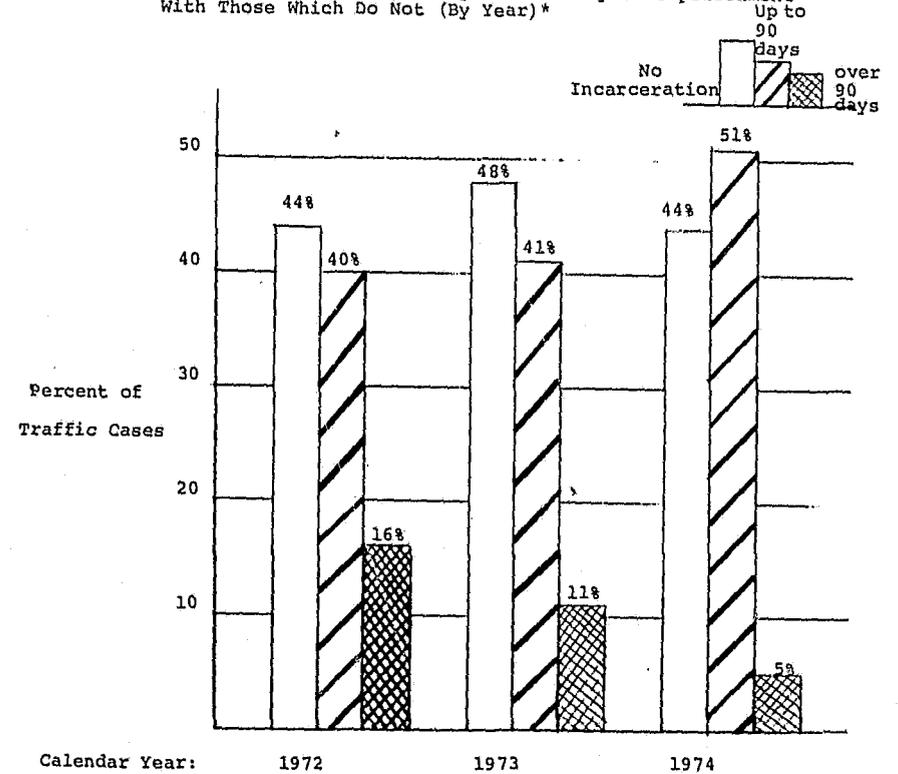


*Source: Maine Motor Vehicle Division statistics for all courts.

**See note above, p. 92.

Appendix B. Statistics

Chart 45. Comparison of Superior Court Traffic Cases Which Include the Statutory Possibility of Imprisonment With Those Which Do Not (By Year)*



*Source: Sample conducted by National Center for State Courts, 1974.

(Sample Size: 1972, 88 cases; 1973, 86 cases; 1974, 89 cases.)

Appendix B. Statistics

Chart 46. Percentage of Traffic Cases in Which Incarceration was Imposed in Superior Court (By Year)*

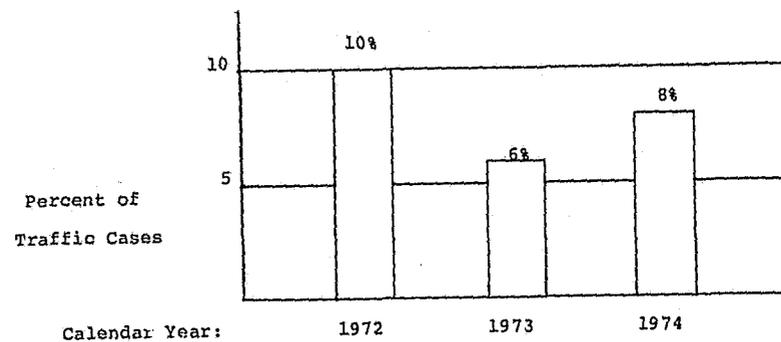
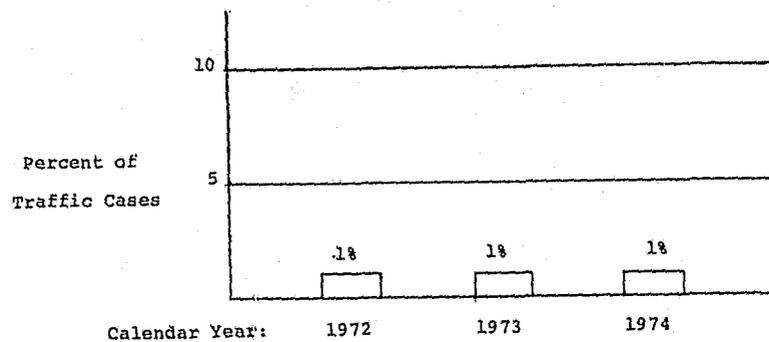


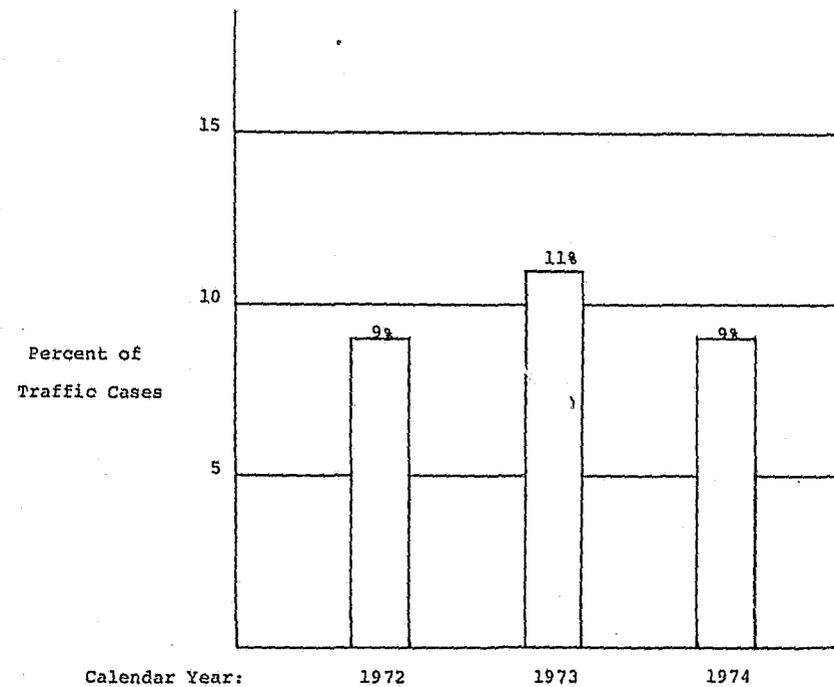
Chart 47. Percentage of Traffic Cases in Which Licenses were Temporarily Suspended in Superior Court (By Year)*



*Source: Sample conducted by National Center for State Courts, 1974.
(Sample Size: 1972, 88 cases; 1973, 86 cases; 1974, 89 cases.)

Appendix B. Statistics

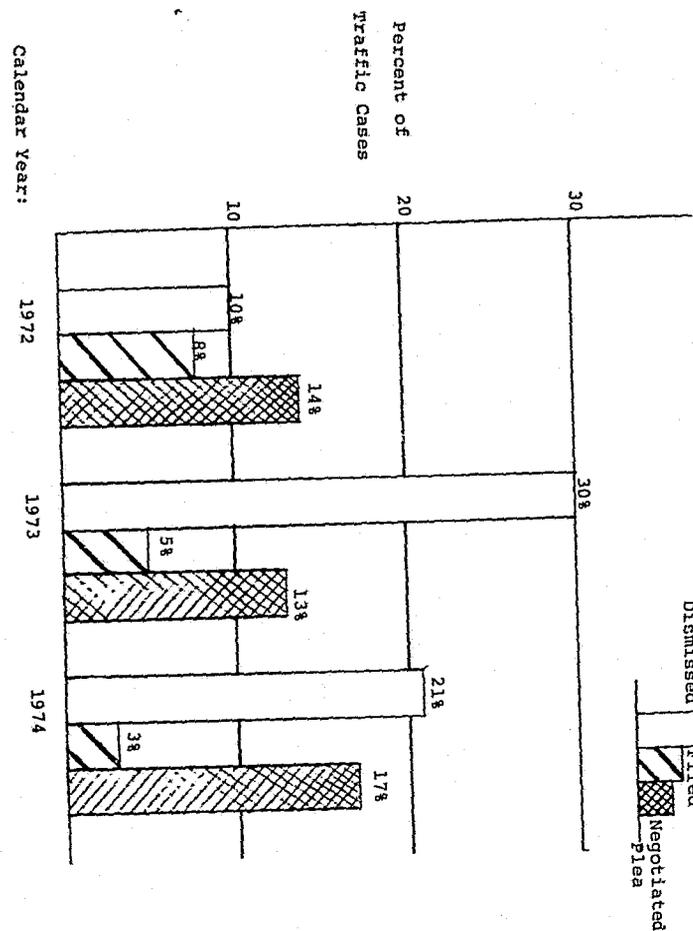
Chart 48. Percentage of Traffic Cases in Which Execution of Sentence was Suspended in Superior Court (By Year)*



* Source: Sample conducted by National Center for State Courts, 1974.

(Sample Size: 1972, 88 cases; 1973, 86 cases; 1974, 89 cases.)

Appendix B. Statistics
 Chart 49. Percentage of Superior Court Traffic Cases Which Involved Dispositions of Dismissal, Filing or Negotiated Plea (By Year)*



*Source: Sample conducted by National Center for State Courts, 1974.
 (Sample Size: 1972, 88 cases; 1973, 86 cases; 1974, 89 cases.)

Appendix B. Statistics

Table 1. District Court Traffic and Total Criminal Cases¹

	Fiscal Year 1970-71			Fiscal Year 1971-72			Fiscal Year 1972-73		
	Traffic	Other ²	Total Criminal	Traffic	Other ²	Total Criminal	Traffic	Other ²	Total Criminal
<u>District I</u>									
Caribou	1382	865	2247	1507	940	2447	1596	901	2497
Fort Kent	1080	430	1510	932	476	1408	1100	601	1701
Madawaska	656	498	1154	416	389	803	546	359	905
Van Buren	390	207	597	354	207	561	353	232	585
District Total	3508	2000	5508	3209	2010	5219	3595	2093	5688
<u>District II</u>									
Houlton	2843	921	3764	3342	973	4315	3439	938	4377
Presque Isle	1768	1392	3260	2250	1350	3600	2273	1209	3482
District Total	4611	2313	6924	5592	2323	7915	5712	2147	7859
<u>District III</u>									
Bangor	5203	1542	6745	6434	1594	8028	7327	1998	9325
Newport	872	338	1210	1462	286	1748	2249	428	2677
District Total	6075	1880	7955	7896	1880	9776	9576	2426	12,002

Table 1. (continued)

Appendix B. Statistics

	Fiscal Year 1970-71			Fiscal Year 1971-72			Fiscal Year 1972-73		
	Traffic	Other ²	Total Criminal	Traffic	Other ²	Total Criminal	Traffic	Other ²	Total Criminal
<u>District IV</u>									
Calais	840	726	1566	828	726	1554	920	992	1912
Machias	739	451	1190	883	349	1232	1356	494	1850
District Total	1579	1177	2756	1711	1075	2786	2276	1486	3762
<u>District V</u>									
Ellsworth	1323	632	2005	1871	752	2623	2170	967	3137
Bar Harbor	354	339	693	472	344	816	661	503	1164
Belfast	743	549	1292	1142	608	1750	1512	913	2425
Bucksport ³	36	15	51	—	—	—	—	—	—
District Total	2456	1585	4041	1556	1704	5189	4343	2383	6726
<u>District VI</u>									
Bath	788	404	1192	1364	483	1847	1729	605	2334
Rockland	912	559	1471	1160	712	1872	1350	947	2297
Wiscasset	1002	439	1441	1288	446	1734	1221	552	1773
District Total	2702	1402	4104	3812	1641	5453	4300	2104	6404

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Table 1. (continued)

Appendix B. Statistics

	Fiscal Year 1970-71			Fiscal Year 1971-72			Fiscal Year 1972-73		
	Traffic	Other ²	Total Criminal	Traffic	Other ²	Total Criminal	Traffic	Other ²	Total Criminal
<u>District VII</u>									
Augusta	3547	1519	5066	3760	1348	5108	4477	1882	6359
Waterville	2633	1087	3720	2966	925	3891	3075	1080	4155
District Total	6180	2606	8786	6726	2273	8999	7552	2962	10,514
<u>District VIII</u>									
Brunswick	1639	760	2399	1988	680	2678	2452	678	3130
Lewiston	5152	2275	7427	5624	1998	7622	7702	2721	10,423
District Total	6791	3035	9826	7622	2678	10,300	10,154	3399	13,553
<u>District IX</u>									
Bridgton	672	616	1282	1009	670	1679	1414	805	2219
Portland	9509	3411	12,920	13,575	4311	17,886	16,412	6439	22,851
District Total	10,181	4027	14,208	14,584	4981	19,565	17,826	7244	25,070

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Table I. (continued)

Appendix B. Statistics

	Fiscal Year 1970-71			Fiscal Year 1971-72			Fiscal Year 1972-73		
	Traffic	Other ²	Total Criminal	Traffic	Other ²	Total Criminal	Traffic	Other ²	Total Criminal
<u>District X</u>									
Saco	4363	1777	6140	6427	1907	8334	7760	1802	9562
Sanford	1789	1015	2804	2537	989	3526	2585	1231	3816
Kittery	3049	833	3882	3471	915	4386	3704	1111	4815
District Total	9201	3625	12,826	12,435	3811	16,246	14,049	4144	18,193
<u>District XI</u>									
Livermore Falls	868	234	1102	1167	255	1422	1022	216	1238
Rumford	1283	546	1829	1139	650	1789	1669	976	2645
So. Paris	588	455	1043	635	376	1011	1024	423	1447
District Total	2739	1235	3974	2941	1281	4222	3715	1615	5330
<u>District XII</u>									
Farmington	1433	638	2071	1494	628	2122	2277	614	2891
Skowhegan	2347	1293	3640	3395	1430	4825	4356	1652	6008
District Total	3780	1931	5711	4889	2058	6947	6633	2266	8899

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Table I. (continued)

Appendix B. Statistics

	Fiscal Year 1970-71			Fiscal Year 1971-72			Fiscal Year 1972-73		
	Traffic	Other ²	Total Criminal	Traffic	Other ²	Total Criminal	Traffic	Other ²	Total Criminal
<u>District XIII</u>									
Dover-Foxcroft	704	909	1613	1082	1107	2189	1935	1470	3405
Lincoln	1031	401	1432	707	127	834	1532	441	1973
Millinocket	1046	766	1812	1302	670	1972	1299	1022	2321
District Total	2781	2076	4857	3091	1904	4995	4766	2933	7699
<u>District Court Total</u>									
	62,584	28,892	91,476	77,993	29,619	107,712	94,497	37,202	131,699

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¹Source: District Court Reports of Total Cases, in Annual Reports to the Chief Justice of the Maine Supreme Judicial Court on the Activity of the District Court, Fiscal Years 1970-71, 1971-72, and 1972-73, submitted by the Chief Judge of the District Court under 4 M.R.S.A. §164.9.

²Includes non-traffic criminal and juvenile cases.

³Totals for Bucksport are not entered for 1971-72 and 1972-73 because that division was discontinued in 1971 and its cases taken by the District Court divisions in Ellsworth and Bar Harbor.

Appendix B. Statistics

Table 2. For 34 Common Traffic Offenses, District Court, Ratio of Guilty Pleas to Guilty Findings (By Year)†

Offense	1971			1972			1973		
	Guilty Finding	Guilty Plea	Percent	Guilty Finding	Guilty Plea	Percent	Guilty Finding	Guilty Plea	Percent
Driving Under the Influence of Liquor	2,980	2,021	68	4,042	2,792	69	4,279	2,938	69
Violation of Law Resulting in Death	15	3	20	8	2	25	7	1	14
Leaving the Scene of an Accident - Bodily Injury	3	1	33	8	2	25	8	4	50
Leaving the Scene of an Accident - Property Damage	201	122	61	229	156	68	205	148	72
Driving to Endanger	314	189	60	349	225	65	509	319	63
Reckless Driving	81	50	62	95	58	61	81	49	61
Operating After Revocation	20	18	90	6	5	83	3	1	33
Operating After Suspension - Court Record	584	438	75	919	682	74	1,044	772	74
Taking Motor Vehicle Without Consent	137	92	67	154	109	71	139	93	67
Loaning Driver License	15	13	87	12	9	75	8	6	75
Speeding 30+ MPH Over Limit	374	308	82	697	593	85	718	623	87

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Appendix B. Statistics

Table 2. (continued)

Offense	1971			1972			1973		
	Guilty Finding	Guilty Plea	Percent	Guilty Finding	Guilty Plea	Percent	Guilty Finding	Guilty Plea	Percent
Operating After Suspension - Financial Responsibility	372	275	74	562	435	77	250	219	88
Passing on a Hill or Curve	310	264	85	352	219	91	348	303	87
Other Improper Passes	440	371	84	466	382	82	506	428	85
Illegal Attachment of Plates	114	92	81	269	235	87	304	281	92
Speeding 21-29 MPH Over Limit	2,755	2,476	90	3,633	3,279	90	3,594	3,248	90
Operating Without a License	3,210	2,890	90	3,214	2,894	90	3,790	3,437	91
Allowing Unlicensed Person to Drive	232	211	91	406	362	89	269	243	90
Operating a Motorcycle Without a License	373	343	92	402	373	93	698	660	95
Speeding 15-20 MPH Over Limit	13,052	11,880	91	17,034	15,484	91	17,007	15,566	92
Speeding 10-14 MPH Limit	11,973	11,165	93	13,668	12,666	93	13,010	12,095	93
Imprudent Driver	605	429	71	664	446	67	614	472	77

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Appendix B. Statistics

Table 2. (continued)

Offense	1971			1972			1973		
	Guilty Finding	Guilty Plea	Percent	Guilty Finding	Guilty Plea	Percent	Guilty Finding	Guilty Plea	Percent
Failure to Obey a Stop Signal	3,587	3,087	86	4,042	3,557	88	4,440	4,016	91
Failure to Return to the Right	175	147	84	311	240	77	336	265	79
Following too Close	105	91	87	132	105	80	153	131	86
Driving Wrong Side	467	350	75	550	383	70	524	412	79
Driving Wrong Way	178	162	91	162	152	94	217	179	83
Improper Turn	287	228	79	323	247	77	417	339	81
Failure to Yield at Sign	341	235	69	310	182	59	266	186	70
Operating Without a Registration	1,099	999	91	1,219	1,102	90	1,325	1,212	92
No Inspection Sticker	1,076	1,025	95	1,333	1,265	95	986	930	94
Squealing Tires	594	521	88	686	618	90	929	835	90
Speeding Under 10 MPH Over Limit	285	249	87	288	227	79	330	255	77
Operating with Defective Exhaust	496	442	89	706	632	90	753	679	90

*Source: Maine Motor Vehicle Division Statistics for all courts.

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Appendix B. Statistics

Table 3.
For 34 Common Traffic Offenses
in Superior Court Ratio of Guilty
Pleas to Guilty Findings (By Year)*

Offense	1971			1972			1973		
	Guilty Finding	Guilty Plea	Percent	Guilty Finding	Guilty Plea	Percent	Guilty Finding	Guilty Plea	Percent
Driving Under the Influence of Liquor	505	450	89	633	573	91	691	608	88
Violation of Law Resulting in Death	6	3	50	8	3	38	4	3	75
Leaving the Scene of an Accident-Bodily Injury	2	2	100	0	0		0	0	
Leaving the Scene of an Accident-Property Damage	18	18	100	20	18	90	9	8	89
Driving to Endanger	64	56	88	62	55	89	57	51	90
Reckless Driving	14	12	86	14	12	86	15	12	80
Operating after Revocation	5	5	100	4	4	100	3	3	100
Operating After Suspension-Court Record	71	70	99	106	99	93	129	127	98
Taking Motor Vehicle without Consent	7	7	100	11	9	82	6	6	100
Loaning driver license	1	1	100	0	0		0	0	
Speeding 30+ MPH over limit	17	13	77	41	39	95	10	10	100
Operating After suspension-Financial Responsibility	33	30	91	49	43	88	18	16	89

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Appendix B. Statistics

Table 3. (continued)

Offense	Calendar Year: 1971			1972			1973		
	Guilty Finding	Guilty Plea	Percent	Guilty Finding	Guilty Plea	Percent	Guilty Finding	Guilty Plea	Percent
Passing on a hill or curve	7	7	100	5	2	40	4	3	75
Other improper passes	6	5	83	8	8	100	9	9	100
Illegal Attachment of Plates	3	3	100	6	5	83	2	2	100
Speeding 21-29 MPH over limit	46	45	98	37	35	95	40	36	90
Operating without a license	56	53	95	58	56	97	49	45	92
Allowing unlicensed person to drive	6	6	100	1	1	100	1	1	100
Operating a motorcycle without a license	3	2	67	6	4	67	8	8	100
Speeding 15-20 MPH over limit	76	62	82	83	77	88	70	68	97
Speeding 10-14 MPH over limit	56	46	82	72	62	86	73	67	92
Imprudent driver	20	12	60	23	22	96	36	34	94
Failure to obey a stop signal	48	42	88	38	32	84	32	29	91

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Appendix B. Statistics

Table 3. (continued)

Offense	Calendar Year: 1971			1972			1973		
	Guilty Finding	Guilty Plea	Percent	Guilty Finding	Guilty Plea	Percent	Guilty Finding	Guilty Plea	Percent
Failure to return to the right	3	2	67	9	5	56	5	5	100
Following too close	3	3	100	2	2	100	4	3	75
Driving wrong side	8	7	88	9	7	78	9	8	89
Driving wrong way	2	2	100	3	3	100	3	1	33
Improper turn	4	2	50	3	2	67	2	2	100
Failure to yield at sign	5	3	60	5	2	40	3	2	67
Operating without a registration	26	26	100	19	19	100	14	13	93
No Inspection Sticker	2	1	50	6	6	100	3	3	100
Squealing Tires	7	5	71	12	9	75	11	9	82
Speeding under 10 MPH over limit	14	13	93	12	12	100	25	25	100
Operating with Defective Exhaust	4	3	75	10	10	100	4	3	75

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*Source: Maine Motor Vehicle Division statistics for all courts.

Table 4.

Appendix B. Statistics

Ratio of Guilty Pleas to Guilty Findings for All Traffic Cases Reported to Motor Vehicle Division by District Court (By Year)*

Calendar Year:	1971			1972			1973		
	Guilty Findings	Guilty Pleas	Percent	Guilty Findings	Guilty Pleas	Percent	Guilty Findings	Guilty Pleas	Percent
<u>District I</u>									
Caribou	1158	933	81	1226	976	80	1344	1094	81
Fort Kent	625	422	68	794	577	73	894	648	72
Madawaska	263	183	70	446	296	66	488	337	69
Van Buren	198	141	71	161	103	64	67	37	55
District Total	2244	1679	75	2627	1952	74	2793	2116	76
<u>District II</u>									
Houlton	2325	1934	83	2384	1985	83	2676	2243	84
Presque Isle	1417	1029	73	1623	1109	68	1555	1109	71
District Total	3742	2963	79	4007	3094	77	4231	3352	79
<u>District III</u>									
Bangor	4403	3451	78	6016	4752	79	4472	3529	79
Newport	985	872	89	1716	1512	88	2033	1845	91
District Total	5388	4323	80	7732	6264	81	6505	5374	83

Table 4. (continued)

Appendix B. Statistics

Calendar Year:	1971			1972			1973		
	Guilty Findings	Guilty Pleas	Percent	Guilty Findings	Guilty Pleas	Percent	Guilty Findings	Guilty Pleas	Percent
<u>District IV</u>									
Calais	654	595	91	448	389	87	690	640	93
Machias	593	555	94	938	854	91	1124	1056	94
District Total	1247	1150	92	1386	1243	90	1814	1696	93
<u>District V</u>									
Ellsworth	1499	1314	88	1416	1203	85	1635	1389	85
Bar Harbor	418	379	91	386	342	89	462	420	91
Belfast	913	775	85	1117	897	80	1203	970	81
District Total	2830	2468	87	2919	2442	84	3300	2779	84
<u>District VI</u>									
Bath	935	853	91	1092	954	87	1194	1075	90
Rockland	880	760	86	1022	877	86	1026	882	86
Wiscasset	939	831	88	975	854	88	1052	928	88
District Total	2754	2444	89	3089	2685	87	3272	2885	88

Table 4. (continued)

Appendix B. Statistics

Calendar Year:	1971			1972			1973		
	Guilty Findings	Guilty Pleas	Percent	Guilty Findings	Guilty Pleas	Percent	Guilty Findings	Guilty Pleas	Percent
<u>District VII</u>									
Augusta	3184	2775	87	3415	3011	88	3928	3447	88
Waterville	2293	2049	89	2456	2141	87	2546	2239	88
District Total	5477	4824	88	5871	5152	88	6474	5686	88
<u>District VIII</u>									
Brunswick	1419	1324	93	1790	1700	95	1856	1783	96
Lewiston	3488	2824	81	4328	3595	83	3538	2926	83
District Total	4907	4148	85	6118	5295	87	5394	4709	87
<u>District IX</u>									
Bridgton	628	590	94	1057	1017	96	1286	1254	98
Portland	9650	9047	94	10716	10041	94	12202	11436	94
District Total	10278	9637	94	11773	11058	94	13488	12690	94
<u>District X</u>									
Saco	3892	3725	96	4338	4130	95	4656	4364	94
Sanford	1634	1567	96	2125	2044	96	1915	1817	95
Kittery	2166	1991	92	2543	2377	93	2978	2785	94
District Total	7792	7283	93	9006	8551	95	9549	8966	94

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Table 4. (continued)

Appendix B. Statistics

Calendar Year:	1971			1972			1973		
	Guilty Findings	Guilty Pleas	Percent	Guilty Findings	Guilty Pleas	Percent	Guilty Findings	Guilty Pleas	Percent
<u>District XI</u>									
Livermore Falls	681	646	95	1010	938	93	659	596	90
Rumford	799	731	91	1010	921	91	910	838	92
So. Paris	514	470	91	578	542	94	635	565	89
District Total	1994	1847	93	2598	2401	92	2204	1999	91
<u>District XII</u>									
Farmington	1097	948	86	1545	1308	85	1364	1142	84
Skowhegan	2246	1938	86	3110	2692	87	3044	2633	86
District Total	3343	2886	86	4655	4000	86	4408	3775	86
<u>District XIII</u>									
Dover-Foxcroft	716	607	85	1078	967	90	1410	1309	93
Lincoln	1011	936	93	1285	1183	92	1219	1128	93
Millinocket	816	721	88	823	729	89	862	774	90
District Total	2543	2264	89	3186	2879	90	3491	3211	92
<u>District Court</u>									
TOTAL	54,539	47,916	88	64,967	57,016	88	63,231	59,238	94

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*Source: Maine Motor Vehicle Division Statistics for all courts.

Appendix B. Statistics

Table 5.

Ratio of Guilty Pleas to Guilty Findings for All Traffic Cases Reported to Motor Vehicle Division by Superior Court (By Year)*

Calendar Year:	1971			1972			1973		
	County	Guilty Findings	Guilty Plea Percent	Guilty Findings	Guilty Plea Percent	Guilty Findings	Guilty Plea Percent		
	Androscoggin	66	50 76	39	26 67	54	49 91		
	Aroostook	107	100 94	147	145 99	149	142 95		
	Cumberland	243	223 92	315	296 94	372	351 94		
	Franklin	35	30 86	44	42 96	50	42 84		
	Hancock	31	26 84	25	54 98	53	46 87		
	Kennebec	46	43 93	81	64 79	108	95 88		
	Knox	21	20 95	21	20 95	25	23 92		
	Lincoln	134	114 85	91	75 82	34	28 82		
	Oxford	62	55 89	60	50 83	38	34 89		
	Penobscot	151	140 93	239	223 93	167	157 94		
	Piscataquis	13	13 100	6	5 83	12	11 92		
	Sagadahoc	64	59 92	54	48 89	67	59 88		
	Somerset	42	37 88	41	40 98	51	49 96		
	Waldo	27	19 70	51	39 76	66	62 94		
	Washington	26	21 81	51	47 92	47	42 89		
	York	148	127 86	179	147 82	158	126 80		

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Table 5. (continued)

Appendix B. Statistics

Superior Court	1971			1972			1973		
	Guilty Findings	Guilty Plea	Percent	Guilty Findings	Guilty Plea	Percent	Guilty Findings	Guilty Plea	Percent
<u>TOTAL</u>	1216	1077	89	1474	1321	90	1451	1316	91

*Source: Maine Motor Vehicle Division Statistics for all courts.

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Appendix B. Statistics

Table 6.

Total Fines Collected for Traffic
Cases in District Court (In Dollars)
(By Years)*

Calendar Year:	1971	1972	1973
<u>District I</u>			
Caribou	\$40559	\$43238	\$44900
Fort Kent	23740	28459	31471
Madawaska	9420	15845	16888
Van Buren	7445	6160	3680
District Total	81,164	93,720	96,939
<u>District II</u>			
Houlton	68095	74200	82098
Presque Isle	57545	66335	54142
District Total	125,640	140,535	136,240
<u>District III</u>			
Bangor	141314	183707	158579
Newport	29525	53135	61295
District Total	170,839	236,842	219,874

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Table 6. (continued)

Appendix B. Statistics

Calendar Year:	1971	1972	1973
<u>District IV</u>			
Calais	\$26565	\$18223	\$29660
Machias	20149	31855	41240
District Total	46714	50078	70900
<u>District V</u>			
Ellsworth	57820	51385	56225
Bar Harbor	15795	13789	13400
Belfast	37125	48625	58981
District Total	110,740	113,799	128,606
<u>District VI</u>			
Bath	31010	42335	42276
Rockland	28495	35615	63495
Wiscasset	33970	38465	36147
District Total	93,475	116,415	141,918

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Table 6. (continued)

Appendix B. Statistics

Calendar Year:

	1971	1972	1973
<u>District VII</u>			
Augusta	\$103644	\$112484	\$132445
Waterville	70855	81345	91825
District Total	174,499	193,829	224,270
<u>District VIII</u>			
Brunswick	46580	76149	62117
Lewiston	76625	100359	101225
District Total	123,205	176,508	163,342
<u>District IX</u>			
Bridgton	19125	33533	38405
Portland	245823	311644	269866
District Total	264,948	345,177	308,271
<u>District X</u>			
Saco	110935	141100	145499
Sanford	47145	73845	63242
Kittery	72614	80025	90620
District Total	230,694	294,970	299,261

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Table 6. (continued)

Appendix B. Statistics

Calendar Year:

	1971	1972	1973
<u>District XI</u>			
Livermore Falls	\$16745	\$25265	\$19350
Rumford	18800	26875	27043
So. Paris	18310	19525	21840
District Total	53,855	71,665	68,233
<u>District XII</u>			
Farmingham	28900	45350	45775
Skowhegan	89478	118110	115323
District Total	118,378	163,460	161,098
<u>District XIII</u>			
Dover-Foxcroft	19840	32814	41240
Lincoln	37449	41519	41282
Millinocket	27448	29885	30380
District Total	84,777	104,218	112,902
<u>District Court</u>			
<u>TOTAL</u>	1,678,928	2,101,198	2,131,854

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*Source: Maine Motor Vehicle Division Statistics for all courts.
Total, all Districts, 3 years (1971-73): \$5,911,980

Appendix B. Statistics

Table 7.

Total Fines Collected for
Traffic Cases in Superior Court (In
Dollars) (By Year)*

Calendar Year:	1971	1972	1973
County	Total Fines	Total Fines	Total Fines
Androscoggin	\$ 3,020	\$ 1,475	\$ 1,845
Aroostook	12,593	16,885	16,850
Cumberland	22,430	31,440	36,085
Franklin	3,070	3,025	4,920
Hancock	2,235	3,695	5,215
Kennebec	6,000	9,460	13,759
Knox	2,030	2,395	1,850
Knox	2,030	2,395	3,905
Lincoln	16,375	9,355	3,905
Oxford	5,075	4,840	2,085
Oxford	5,075	23,145	16,855
Penobscot	15,245	465	1,313
Piscataquis	855	5,660	7,450
Sagadahoc	6,145	5,690	6,220
Somerset	4,955	5,690	6,340
Somerset	4,955	3,915	6,340
Waldo	3,290	5,695	4,105
Washington	2,515	5,695	16,585
Washington	2,515	17,298	16,585
York	12,012		

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Appendix B. Statistics

Table 7. (continued)

	1971	1972	1973
	Total Fines	Total Fines	Total Fines
<u>Superior Court</u>			
<u>TOTAL **</u>	\$ 117,845	\$ 144,438	\$ 148,382

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*Source: Maine Motor Vehicle Division Statistics for all courts.

** Total for 3 years, 1971-1973: \$410,665

Table 8. continued

Appendix B. Statistics

Calendar Year:	1971			1972			1973		
	Guilty Findings	Total Fines	Average Fines	Guilty Findings	Total Fines	Average Fines	Guilty Findings	Total Fines	Average Fines
Operating without a registration:									
High ¹	3	\$ 110	\$ 37	33	\$ 920	\$ 28	8	\$ 230	\$ 29
Mean ²	1099	22800	21	1219	25400	21	1325	28440	22
Low ³	14	170	12	29	355	12	17	225	13
Failure to obey stop signal:									
High ¹	56	1415	25	69	1660	24	19	470	25
Mean ²	3587	75169	21	4042	82001	20	4440	92711	21
Low ³	313	5040	16	20	265	13	37	590	16
No inspection sticker:									
High ¹	3	60	20	9	195	22	1	20	20
Mean ²	1076	15520	14	1333	21340	16	986	15765	16
Low ³	24	255	11	3	30	10	1	10	10

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¹ Figures for division with highest average.

² Mean for all divisions.

³ Figures for division with lowest average.

⁴

Source: Maine Motor Vehicle Division Statistics for all courts.

Appendix B. Statistics

Table 9.

Average Fines for Ten Common Traffic Offenses in Superior Court (In Dollars, By Year)⁴ (See Charts 35 to 44)

Calendar Year:	1971			1972			1973		
	Guilty Findings	Total Fines	Average Fines	Guilty Findings	Total Fines	Average Fines	Guilty Findings	Total Fines	Average Fines
Driving under the influence of liquor:									
High ¹	38	\$ 9950	\$ 262	21	\$ 4245	\$ 202	11	\$ 2255	\$ 205
Mean ²	505	82090	163	633	99730	158	691	106044	154
Low ³	15	1480	99	13	900	69	19	1575	83
Operating after suspension-court records:									
High ¹	4	1110	278	1	205	205	4	855	214
Mean ²	71	6495	92	106	10370	98	129	11070	86
Low ³	5	70	14	3	85	28	7	100	14
Speeding 10-14 MPH over limit:									
High ¹	1	100	100	17	495	29	5	245	49
Mean ²	56	1500	27	72	1815	25	73	2205	30
Low ³	4	75	19	2	15	8	1	20	20
Speeding 15-20 MPH over limit:									
High ¹	7	325	47	12	430	36	5	235	47

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Table 9. continued

Appendix B. Statistics

Calendar Year:	1971			1972			Guilty Findings	Total Fines	Average Fines	
	Offense	Guilty Findings	Total Fines	Average Fines	Guilty Findings	Total Fines				
	Mean ²	76	\$ 2400	\$ 32	83	\$ 2330	\$ 28	70	\$ 2080	\$ 30
	Low ³	4	85	21	3	50	17	4	20	5
	Speeding 21-29 MPH over limit:									
	High ¹	2	135	68	8	365	46	2	150	75
	Mean ²	46	1680	37	37	1370	37	40	1555	39
	Low ³	2	25	13	1	20	20	4	100	25
	Speeding 30+ MPH over limit:									
	High ¹	1	100	100	1	100	100	1	100	100
	Mean ²	17	825	49	41	2160	53	10	523	53
	Low ³	2	30	15	2	30	15	1	30	30
	Operating without a license:									
	High ¹	5	280	56	7	405	58	1	100	100
	Mean ²	56	1900	34	58	1810	31	49	1615	33
	Low ³	2	15	8	5	75	15	12	175	15

Table 9. (continued)

Appendix B. Statistics

Calendar Year:	1971			1972			1973			
	Offense	Guilty Findings	Total Fines	Average Fines	Guilty Findings	Total Fines	Average Fines	Guilty Findings	Total Fines	Average Fines
	Operating without a registration:									
	High ¹	1	\$ 55	\$ 55	1	\$ 50	\$ 50	4	\$ 125	\$ 31
	Mean ²	26	885	34	19	450	24	14	320	23
	Low ³	1	15	15	5	70	14	2	35	18
	Failure to obey stop signal:									
	High ¹	2	200	100	15	395	26	1	55	55
	Mean ²	48	1230	26	38	895	24	32	805	25
	Low ³	5	45	9	1	15	15	3	45	15
	No inspection sticker:									
	High ¹	1	25	25	1	50	50	1	15	15
	Mean ²	2	40	20	6	115	19	3	35	12
	Low ³	1	15	15	3	35	12	2	20	10

¹ Figures for division with highest average.

² Mean for all divisions.

³ Figures for division with lowest average.

⁴

Source: Maine Motor Vehicle Division Statistics for all courts.

Appendix C. California and New York Classification of Motor Vehicle Offenses

1. Motor Vehicle Offenses Under the California Vehicle Code*

1. Acts specifically defined as felonies include:
 - a. throwing rock or substance capable of causing serious bodily harm or discharging firearm at vehicle (§23110(b))
 - b. narcotics addict driving vehicle on highway (§23105)
 - c. causing bodily injury by unlawful acts in driving while drunk (§23101; toluene or other poison, §23101.5), non-narcotic drug, §23108)
 - d. theft and unlawful driving or taking vehicle §10851)
 - e. failure to stop by driver involved in accident resulting in injury to another or death (§20001)
 - f. vehicular homicide (Cal. Penal Code §192(3))
2. Acts specifically defined as misdemeanors include:
 - a. false statements (§§20, 40000.5)
 - b. impersonation of member of State Highway Patrol (§§27, 40000.5)
 - c. giving false information (§§31, 40000.5)
 - d. failure to obey officer's lawful order or submit to lawful inspection (§§2800, 40000.7)

* All statutory references in Appendix A are to Cal. Vehicle Code (West 1971), except where otherwise noted.

- e. failure to obey fireman's lawful order (§§2801, 40000.7)
- f. unlawful vehicle or load (§§2803, 40000.7)
- g. failure to obey crossing guard's traffic signal or direction (§§2815, 40000.7)
- h. improper delivery of certificates of ownership and registration by dealer (§§5753, 40000.7)
- i. improper notice by dealer (§§5901, 40000.7)
- j. cancelled, suspended, or revoked documents of dealer, manufacturer, etc. (§§8803, 40000.7)
- k. false report of vehicle theft (§§10501, 50000.9)
- l. altered or defaced vehicle 10 numbers (§§10750, 10751, 40000.9)
- m. theft of binder chains (§§10851.5, 40000.9)
- n. injuring or tampering with vehicle (§§10852, 10853, 40000.9)
- o. unlawful use of stored vehicle (§§10854, 40000.9)
- p. license violations (as enumerated in §40000.11)
- q. unregistered interstate highway carrier (§§16560, 40000.13)
- r. failure to stop when involved in accident damaging property (§§20002, 40000.13)
- s. driving under influence (liquor §§23103, 40000.15) (non-narcotic drug, §23106, 23102.5)
- t. reckless driving (§23103) and that causing bodily injury (§§23104, 40000.15)

- u. speed contests (§§23109, 40000.15)
 - v. throwing substance at vehicle (§§23110(a), 40000.15)
 - w. noncompliance with order, signal or direction of officer on vehicular crossing (§§23253, 40000.15)
 - x. trespass on vehicular crossing not intended for public use (§2332, 40000.15)
 - y. sale of substandard exhaust system (§27150.1, 40000.15)
 - z. improper transportation of explosives, radioactive materials, flammable liquids (§40000.19), or hazardous materials (§40000.21)
 - aa. weight violation (§40000.23)
 - bb. employer/owner's failure to answer citation issued to driver/employee (§§40000.25, 40005)
 - cc. false signature on written promise to appear (§§40000.25, 40504)
 - dd. violation of promise to appear (§§40000.25, 40508)
 - ee. 3 or more infractions within a 12-month period (§40000.28)
3. All other violations of the Vehicle Code are "traffic infractions."

Appendix C. California and New York Classification of Motor Vehicle Offenses

2. Motor Vehicle Offenses Under New York Vehicle and Traffic Law*

1. The following offenses are classified by New York as felonies:
- a. homicide arising out of operation of a motor vehicle
 - b. assault arising out of operation of a motor vehicle
 - c. criminal negligence in the operation of a motor vehicle resulting in death
 - d. fraudulent alteration of certificate of title (§2130(a))
 - e. operating motor vehicle while under influence of alcohol or drugs, second or subsequent offense within ten years (§1192)
 - f. improper transportation of dangerous articles, third or subsequent offense (§380)
 - g. sale of false or fraudulent license, registration, or license plate (§392-a)
 - h. willful alteration of vehicle ID number (§421)
 - i. false statement relating to motor vehicle known to be stolen or wrongful possession of stolen vehicle (§426)
 - j. theft of motor vehicle
2. The following offenses are misdemeanors:
- a. nonfelonious fraud relating to certificates of title (§2130(b))
 - b. reckless driving (§1190)

* All statutory references are to New York Vehicle & Traffic Law (McKinney 1970)

- c. operating motor vehicle while under influence of alcohol or drugs, first offense (§1192)
- d. unauthorized destruction, defacing, or removal of unattended motor vehicle (§1224(7))
- e. operation of unregistered motor vehicle (§319)
- f. operation of motor vehicle without financial security (§319)
- g. failure to deliver certificate of registration, license plates, or license upon revocation (§318(7)).
- h. improper transportation of dangerous articles, first or second offense (§380)
- i. false statement or deceit in application for registration or license (§392)
- j. equipping motor vehicle with radio capable of receiving police signals (§397)
- k. failure by vehicle dismantler to produce required records (§415-4a(5))
- l. sale of vehicle with changed ID number (§421)
- m. wrongful possession of vehicle with changed ID number (§422)
- n. leaving scene of accident causing damage to person or property without reporting (§600)
- o. participation in speed contest without permission on highway (§1182)
- p. unlawful disposal of traffic summons and complaint (§207(5))

- q. failure to surrender inspection items upon suspension or revocation (§303(f))
- r. certain violations of inspection law (§306(e),(f))
- s. failure to surrender license, etc. after suspension (§340)
- t. operating while license or registration is suspended or revoked, where restoration or a new license is dependent upon furnishing proof of financial responsibility (§355)
- u. any violation of §370, Indemnity bonds or insurance policies; notice of accident
- v. operating motor vehicle with inadequate brakes (§375(1))
- w. sale of unapproved headlighting devices (§375(7))
- x. violation by vehicles engaged in log transportation (§377)
- y. any violation of §§378, 379, Motor vehicles engaged in the transportation of flammable liquids
- z. any violation of §382, Hydraulic brake fluids
- aa. any violation of §382(a), Brake linings
- bb. any violation of §394, Drivers' Schools
- cc. any violation of §395, Private service bureaus
- dd. removal from a vehicle of a validating tag on a license plate or other evidence of registration except by the owner or person authorized by the owner or a police officer in the performance of his duty. (§403)

- ee. failure to surrender suspended or revoked dealer certificate of registration, number plates or certificates of sale (§415(9-b))
- ff. defaced vehicle identification numbers (§§415(a), 421, 422, 423)
- gg. junk and salvage vehicle--notice and VIN plates (§429)
- hh. Failure to surrender licenses, etc. after suspension or revocation (§510(7))
- ii. Operating while license is suspended or revoked (§511)
- jj. operating while registration is suspended or revoked (§512)
- kk. leaving scene of accident (§600)
- ll. failure to report accident or given correct information (§605)
- mm. -speed contests and races (§1182)
- nn. reckless driving (§1190)
- oo. operating with .10 of 1% alcohol in blood (§1192(2))
- pp. driving while intoxicated (§1192(3))
- qq. operating while ability impaired by the use of a drug (§1192(4))
- rr. destroying or defacing an unattended vehicle (§1224(7))

- ss. illegal possession of certificate of title; failure to deliver certificate of title upon request, failure to transfer certificate of title upon request (§2130(b))
- 3. All offenses regarding the registration of snowmobiles and motorboats are violations (§§2220-2231).
- 4. All other violations of the Vehicle and Traffic Law are infractions.

Appendix D

Present Penalties for Maine Traffic Offenses¹

The following is a list of offenses defined by Maine Revised Statutes Annotated, Title 29, Motor Vehicles, with penalties now provided by statute. Violations of Chapter 21 of Title 29, relating to title to motor vehicles, are included although they are not so much "traffic" offenses as offenses against title or security interests in property. (Dollar amounts listed under "penalty" refer to the amount of fine that may be imposed; time periods listed represent length of possible imprisonment.) Under 29 M.R.S.A. §2305, a judge may order temporary suspension for up to 30 days of the operator's license of any traffic violator, in addition to any penalty listed below.

Since duration of imprisonment bears on recommendations in this report relating to characterization of traffic offenses and availability of a right to trial by jury, offenses listed here are grouped according to duration of possible imprisonment. Those offenses for which this report recommends statutory change are marked by one asterisk (*) if it is recommended that they be recharacterized as infractions and by two asterisks (**) if statutory change is recommended to make clear that they not be characterized as infractions. This report recommends an amendment to 29 M.R.S.A. §2303, the general penalty statute for traffic offenses, that will be consistent with these changes. Under the recommended amendment to §2303, any offense that would otherwise be a traffic infraction, but which results in personal injury or property damage, will be a misdemeanor.

1. Offenses now punishable by imprisonment for six months or longer

<u>Title 29</u>	<u>Offense</u>	<u>Penalty</u>
\$893	Failure to stop when involved in serious accident (injury or death to person)	\$100-500 and or up to 9 months. (second violation) \$200-500 and or up to 11 months.
\$900	Using motor vehicle without authority	Up to \$200 and or up to 9 months. (second violation) \$200-500 and or up to 11 months.
\$998	Failure to reduce speed at grade crossing or stop on approach of train	as in §900 above
\$1311	Second or subsequent violation for reckless driving	Up to \$1,000 and or up to 11 months.

¹Source: Office of Secretary of State, Revised Motor Vehicle Laws of the State of Maine, 1973 Edition. Subsequent legislative amendments to Title 29 may not be reflected in this Appendix.

<u>Title 29</u>	<u>Offense</u>	<u>Penalty</u>
\$1313	Causing death by motor vehicle in manner to support manslaughter conviction	Manslaughter penalty plus 5-year license revocation.
\$1315	Reckless homicide	Up to \$2,000 and 6 months to 5 years plus 3-5 years suspension.
\$1316	Causing death by violation of law	\$300-1,000 and 3-11 months plus 2-3 years suspension.
\$2184	Second violation; driving while license suspended or revoked	\$100-500 and or 2 days-11 months
\$2185	Selling or possessing vehicle with no identifying marks	Up to \$1,000 and or up to 11 months.
\$2280	Habitual offender driving when prohibited	Up to 2 years.
\$2442	Altered, forged, or counterfeited certificate of auto title	\$500-1,000 and or up to 1-5 years.

Present Penalties for Maine Traffic Offenses

2. Offenses now punishable by imprisonment for not more than six months.

<u>Title 29</u>	<u>Offense</u>	<u>Penalty</u>
\$783 (7)	Knowing misrepresentation of accident report, where bodily injury or death or property damage up to \$200	Up to \$500 and or up to 6 months.
\$787 (7)	Permitting operation in violation of financial responsibility suspension	Up to \$500 and or up to 6 months
\$1312 (10)	Second or subsequent offense: operating under influence of intoxication of liquor or drugs	Up to \$2,000 and or up to 6 months plus at least 6 months suspension.
\$2184	First offense: driving while license suspended or revoked	\$100-500 and or up to 6 months.
\$2184	Driving while under suspension for failure to comply with fine responsibility law	Up to \$500 and or up to 6 months.
\$2443	Offenses (other than altered, forged, or counterfeit certificate) involving certificates of title to Motor Vehicle	Up to \$500 and or up to 6 months.
\$2445	False report of theft or conversion of Motor Vehicle	Up to \$500 and or up to 6 months.

Present Penalties for Maine Traffic Offenses ²

3. Offenses now punishable by imprisonment for not more than three months.

<u>Title 29</u>	<u>Offense</u>	<u>Penalty</u>
\$113	Stealing license plates	Up to \$100 and/or up to 90 days
\$534	* Operating vehicle in violation of license restriction	Up to \$100 and/or up to 90 days
\$730	** Unlicensed commercial driver-education instructor or school	\$50-500 and/or up to 90 days
\$894	Failure to stop when involved in accident damaging vehicle driver or attended by another person	\$25-100 and/or up to 90 days
\$948	Failure to yield at sign with accident involvement	Up to \$50 and/or up to 60 days
	Removing, defacing, damaging or destroying signs or signals	Up to \$50 and/or up to 60 days
\$1311	First offense for reckless driving	Up to \$500 and/or up to 3 months
\$1312 (10)	First offense for driving under the influence	Up to \$1,000 and/or up to 90 days plus 4 month suspension
\$1369	Safety glass violation	As in §2123 below
\$1370	* Operating motor vehicle with an obstructed windshield	As in §2123 below
\$1654	Failure to pay fines and costs for weight violation by commercial vehicle	Fine determined by amount of excess weight over limit and up to 30 days
\$1805	Refusal to permit weighing of vehicle	Up to \$100 and/or up to 90 days
\$2121	Failure or refusal to give correct name and address to officer making equipment exam	Up to \$100 and/or up to 90 days

²Those offenses for which this report recommends statutory change are marked by one asterisk (*) if it is recommended that they be recharacterized as infractions and by two asterisks (**) if statutory change is recommended to make clear that they not be characterized as infractions.

<u>Title 29</u>	<u>Offense</u>	<u>Penalty</u>
\$2122	Operation of unsafe or uninspected vehicle	As in §2123 below
\$2123	Failure to display valid inspection certificate	\$10-100 and/or up to 90 days
\$2124	Official inspection station violation	As in §2123 above
\$2125	Improper inspection fees	As in §2123 above
\$2126	Improper disposition of inspection fees	As in §2123 above
\$2127	* Removal of or inadequately maintained air pollution control system	As in §2123 above and/or suspension of registration
\$2181	Fraud or falsity on application for license or registration	Up to \$100 and/or up to 90 days
\$2187	* Hawker or vendor stopping traffic	Up to \$50 or up to 30 days
\$2188	* Hitchhiking	Up to \$50 and/or up to 30 days
\$2243	Violation of reciprocity provision relating to interstate travel	Up to \$100 and/or up to 90 days

Present Penalties for Maine Traffic Offenses ²

4. Offenses now punishable by fine or administrative action³ and subject to provisions for imprisonment in 29 M.R.S.A. §2303, "General Penalty," (Section 2303 reads as follows:

Whoever violates or fails to comply with any provision of this Title, or any rules or regulations established thereunder, when no other penalty is specifically provided, shall be punished by a fine of not less than \$10 nor more than \$100, or by imprisonment for not more than 90 days, or by both.)

<u>Title 29</u>	<u>Offense</u>	<u>Penalty</u>
\$242(1) (D)	* Misuse of one-trip permit Fraudulently obtaining farm truck license	\$25 to 200 \$50
\$246	* Misuse of farm truck license plate	\$100 to \$500
\$252	* Mis use of "handicapped person" placard	\$100 fine
\$349(1)	A. Material misstatement in application	License denial, suspension, revocation by M.V.D.
	B. Willful failure to comply with subchapter	"
	C. Failure to have established place of business	"
	D. Failure to give timely notice of relocation	"
	E. Willful fraud on retail buyer	"
	F. Conviction of fraud in sales business	"

²Those offenses for which this report recommends statutory change are marked by one asterisk (*) if it is recommended that they be recharacterized as infractions and by two asterisks (**) if statutory change is recommended to make clear that they not be characterized as infractions.

³For a number of statutes listed here, the penalty listed relates solely to administrative action (e.g., license suspension) to be taken by the Motor Vehicle Division (M.V.D.) of the Office of the Secretary of State, which may be additional to court action. For this reason, notations relating to "infraction" or "misdemeanor" recommendations are inapplicable.

<u>Title 29</u>	<u>Offense</u>	<u>Penalty</u>
\$349(1)	G. Unfair trade practices	License denial, suspension, revocation by M.V.D.
	H. Dishonored check to Secretary of State	"
\$581-B	Accident-prone driver	Re-examination by M.V.D.
\$723	Cancellation of insurance for a commercial driver education school	Suspension of license by M.V.D.
\$§725, 727 and 728	Failure to meet commercial driver education standards	License denial, suspension, revocation by M.V.D.
\$782	Failure to show financial responsibility upon conviction of Motor Vehicle law	Suspension by M.V.D.
\$783(c)	* Failure to surrender license or registration upon financial responsibility suspension	Up to \$25
\$891	* Failure to make accident report to Secretary of State when personal injury or death or property damage in excess of \$200	Suspension by M.V.D.
\$959	* Failure of vehicle transporting dangerous materials to stop at grade crossings	Up to \$200
\$1111	* Interfering with snow removal	Vehicle towed at owner's expense
\$1611	* Violations of §902 (seasonal closings of highways), 1702 or 1703 (vehicles on bridges); 1753 (weight limits on bridges) 1754 (permit for log haulers and traction engines)	\$10 to \$500.
\$1613	* Vehicle constructed to cause menace or unreasonable damage	Revocation or suspension of registration
\$1654	* Violation of §1652 (exceeding weight limit for commercial vehicle)	Fine determined by amount of excess weight over limit
\$1963	* Bicycle violation (17 years or older)	Fine of not more than \$10 and/or bicycle impounded up to 5 days

<u>Title 29</u>	<u>Offense</u>	<u>Penalty</u>
\$1963	*(under 17 years old)	Bicycle impounded up to 30 days
\$2011	Failure to stop at railroad tracks while operating school bus	Not less than \$200 and suspension of license to operate school bus for not less than 2 years
\$2187	* Interfering with traffic	Up to \$50 and/or up to 30 days
\$2241(1)	A. Offense for which suspension is mandatory	Suspension by M.V.D.
	B. Frequent serious offenses	"
	C. Habitually reckless or negligent	"
	D. Incompetent	"
	E. Unlawful or fraudulent use	"
	F. Suspendable offense in another state	"
	G. Failure to stop for police officer	"
	H. Reckless driving or driving to endanger	"
\$2241-A	Incompetent driver	Re-exam by M.V.D.
\$2271 et seq.	Habitual offender	Suspension by M.V.D.
\$2301	Failure to appear in court	Suspension by M.V.D.
\$2352(2)	Failure to make timely delivery of certificate of auto title	Amount equal to fee required
\$2378(1)	A. Certificate of title fraudulently procured or erroneously issued	Revocation of certificate of title
	B. Vehicle scrapped, dismantled or destroyed	"

Present Penalties for Maine Traffic Offenses²

5. Offenses that are now subject to the provisions for fine or imprisonment stated in 29 M.R.S.A. §2303, the text of which is set forth above in section 4 of this Appendix, but for which no penalty is otherwise provided.

<u>Title 29</u>	<u>Offense</u>
§102	*Failure to register out of state vehicle **Operating unregistered motor vehicle
§111	*Towing unregistered vehicle without a permit *Failure to carry registration certificate on person or in vehicle
§113	**Failure to surrender license plates upon demand by Secretary of State when registration suspended, revoked, or expired
§115	*Operating stock car on highway under own power
§116	*Failure by Maine resident to make timely report of breakdown of vehicle registered out of state
§117	*Failure of military personnel returning from overseas to make timely registration of motor vehicle
§118	*Operation by Maine resident of motor vehicle purchased and registered in foreign country or out of state other than directly from point of entering this State to owner's place of residence
§151	**Failure to notify Secretary of State upon transfer of motor vehicle ownership
§193	**Failure by state official to surrender specially designed plates

²Those offenses for which this report recommends statutory change are marked by one asterisk (*) if it is recommended that they be recharacterized as infractions and by two asterisks (**) if statutory change is recommended to make clear that they not be characterized as infractions.

<u>Title 29</u>	<u>Offense</u>
§242(1)(E)	*Operating specially registered vehicle under 15 years of age
§243(1)	*Operating home-made farm tractor more than 10 miles from where customarily kept
§244(1)	*A. Operating trailer over weight limit *B. Transporting farm trailer load over distance limit *Towing more than authorized number of trailer units *Exceeding maximum length of motor vehicle and trailer
§246	*Motor vehicle operating over weight on ways or bridges
§342	**Unregistered motor vehicle dealer
§347	**Failure to display dealer license and registration
§348-A(1)	**Failure to surrender new car dealer plates and registration
§348-A(2)	**Failure to surrender used car dealer plates and registration
§354(1)	*Unlawful use of dealer plates
§354(2)	*Unlawful use of equipment dealer plates
§354(4)	*Failure to obtain permit to demonstrate loaded truck with dealer plates
§354(5)	*Failure to obtain tax certificate for moving house trailer with dealer plates
§355	**Failure of dealer to keep records of purchases and sales
§360	*Illegal use of transporter plates
§361	*Unlawful use of loaner plates **Failure to keep records concerning loaner plates

<u>Title 29</u>	<u>Offense</u>
\$363	*Illegal use of temporary registration plates
\$381	*Unlawful display of license plates
\$382	*Failure to report loss or mutilation of license plates
\$531	**Operating without a license
\$531-A	*Non-resident under 17 years of age operating motor vehicle
	*Non-resident at least 17 years of age operating motor vehicle without valid operator's license in his immediate possession
	*Non-resident at least 17 years of age operating motor vehicle other than as an operator
\$531-B	*Failure to carry operator license
	*Failure to produce operator license on demand
\$532	*Violation of instruction permit
\$533	*Violation of temporary license
\$535	*Resident serviceman operating motor vehicle with expired license not renewed within 30 days after discharge or release
\$535-A	*Operation of motor vehicle by active duty serviceman without valid license in his possession
\$537	*Operating motorcycle on learner's permit during other than daylight hours
	**Unlicensed person operating motorcycle with passenger not licensed as motorcycle operator
	**Operating motor vehicle on learner's permit without presence of licensed operator in vehicle
	**Unlicensed person operating motor vehicle on learner's permit when that person has previously had a license revoked, suspended, or finally refused

CONTINUED

2 OF 3

Title 29

Offense

\$544	*Operating motorcycle without proper license
\$546	*Failure to report change of name or address
\$724	*Failure to display commercial driver education school license
\$726	**Failure by driver education school licensee to keep records
	*Failure to keep commercial driver education vehicle in safe mechanical condition
\$892	**Failure to report recovery of stolen vehicle
\$895	**Failure by garage proprietor to report serious accident or vehicle struck by bullet
\$896	*Failure to give information and render aid when involved in serious accident
\$897	**Failure to notify owner upon striking unattended vehicle
\$898	**Failure to notify owner upon striking fixtures or other property
\$900-A	**Allowing unauthorized person to drive
\$901	**Failure to keep records by owner of rented vehicle
\$903	Failure to obey restrictions on use of commercial vehicles
\$904	*Pedestrian walking on way when sidewalk provided
	*Failure by pedestrian to walk facing approaching traffic when practicable
\$905	*Failure to recognize emergency rule by police officer

<u>Title 29</u>	<u>Offense</u>
\$941	*Failure to keep right when teams meeting
\$942	*Obstructing way by stationary vehicle or by unattended animal drawn team not reasonably fastened
\$943	*Failure of slow moving vehicles to keep right
\$944	*Failure of vehicle on private way to yield to pedestrian or vehicle on public way or to proceed cautiously
\$945	*Failure to yield at traffic circle or rotary
\$946	*Failure to yield to an emergency vehicle
\$947	*Failure by motor vehicle or pedestrian to obey traffic control signal
\$949	*Failure to stop and yield at stop sign
\$951	*Failure of pedestrian to obey pedestrian control signal
\$952(1)	*A. Failure to stop at flashing red signal *B. Failure to slow at flashing yellow signal
\$953	*Failure to obey lane direction control signal
\$954(1)	*Failure to yield to pedestrian at crosswalk
\$954(2)	*Pedestrian leaving curve when vehicle approaching is too close for driver to yield
\$954(4)	*Passing vehicle stopped at crosswalk
\$955	*Failure by pedestrian to yield when no crosswalk
\$956	*Moving parked vehicle when unsafe to do so

<u>Title 29</u>	<u>Offense</u>
\$957	*Interfering with traffic movement by opening or closing vehicle doors
\$958	*Occupying trailer while moving on highway
\$960	*Carrying passenger on motorcycle without seat provided
\$991(1)	*Failure to drive in single lane
\$991(2)	*Center lane violation
\$991(3)	*Lane use sign violation
\$991(4)	*Violation of lane change prohibition
\$992	*Driving on divided and limited access highways: Crossover violation Improper entry Improper vehicle or person on way
\$993	*Driving wrong way on one-way road
\$994(1)	*Improper right turn
\$994(2)	*Improper left turn on two-way roadway
\$994(3)	*Improper left turn on other than two-way roadway
\$995	*Coasting on grade in neutral
\$996	*Driving over unprotected fire hose
\$997	*Failure to stop when approaching frightened animal
	*Harassing animal on public way
\$999	*More than two motorcycles operating abreast
	*Handle bars more than 15 inches above motorcycle seat

<u>Title 29</u>	<u>Offense</u>
\$1031	*Trucks traveling less than 150 feet apart
\$1032	*Following too closely *Insufficient space between vehicles to allow safe passing
\$1033	*Failure to keep 500 feet behind fire apparatus responding to an alarm
\$1071	*Operating or parking motor vehicle without lights on *Parking vehicle with lights on facing oncoming traffic
\$1072	*Failure to dim headlights when approaching another vehicle
\$1111	*Parking, standing or stopping on highway **Stripping motor vehicle while it is in tower's possession
\$1112	*Failure to leave hired team attended when team has passengers *Failure to set parking brake on standing vehicle
\$1151	*Passing on the right except when: (1) Overtaking vehicle turning left (2) Upon way with unobstructed pavement (3) Upon a one-way street *Passing on right unsafely *Passing without giving audible warning
\$1152	*Failure to keep right and/or increasing speed when being overtaken *Failure to return to right after passing *Passing on left unsafely *Passing on left when: (1) Approaching grade or curve (2) Approaching intersection or railroad crossing (3) View is obstructed

<u>Title 29</u>	<u>Offense</u>
\$1191	*Improper turn
	*Failure to or improper signal when turning or stopping
\$\$1251, 1252 and 1255	*Exceeding speed limit
\$1253	*Driving too slowly
\$1314	*Driving to endanger
\$1361	*Improper lights *Inadequate brakes *Using or selling illegal lens, muffler, reflector or lighting device
\$1362	*Inadequate brakes *Inadequate horn *Inadequate parking brake *Unnecessary noise *Illegal bells or sirens
\$1363	*Selling inadequate brake fluid
\$1364	*Operating with inadequate or illegal muffler or exhaust
\$1365	*Watching television while operating motor vehicle
\$1366	*Insufficient or improper lights *Operating without lights on *Improper or insufficient tail or license plate lights *Improper or insufficient lighting for vehicles 7 feet or more in width

<u>Title 29</u>	<u>Offense</u>
\$1367	*Insufficient or no rearview mirror
	*Operating with temporary mirrors extended beyond width of motor vehicle
\$1367-A	*Operating motorcycle with inadequate or no rearview mirror
\$1368	*Operating with spotlights or more than two fog lights
	*Operating with device for flashing headlights alternately
	*Operating with red or blue emergency lights
\$1368-A	*1966 vehicle or newer without seat belts
\$1371	**Illegal sale of regrooved tires
\$1372	*Operating motor vehicle with load or passenger obstructing driver's view or interfering with driver's control
\$1373	*Riding motorcycle without a helmet
\$1374	*Operating motor vehicle with illuminated advertisement
\$1401	*Failure to carry flares on trucks of over 15,000 pounds
\$1402	*Failure to use flares or emergency reflector by disabled trucks over 15,000 pounds
\$1403	*Failure to display name of owner or lessee on truck tractor doors
\$1404	*Failure to have suitable splash guards on trucks, trailers, or semi-trailers when required
\$1461	*Failure of rural mail vehicles to have properly mounted display and warning lights

<u>Title 29</u>	<u>Offense</u>
\$1462	*Failure of snow removal or sanding equipment to have proper lighting system and an auxiliary system
\$1463	*Operating physician's emergency light while not enroute to the scene of an emergency
\$1701	*Violation of height and width restrictions
\$1702	*Failure of certain vehicles to obtain permits to operate on roads and bridges
\$1751	*Failure to properly secure a load of timber
\$1752	*Placing or allowing injurious substance on way
	*Load not securely fastened
\$1755	*Failure to attach danger signal to protruding objects
	*Towing trailer without safety chains
\$1756	*Failure to display capacity marking on certain vehicles
\$2011	*Improperly or inadequately equipped or marked school bus
	**Operation of school bus without approved fire extinguisher
	**Failure to turn on flashing school bus lights before stop to receive or discharge passengers.
	**Failure to submit school bus to timely official inspection
\$2012	*Operating school bus without having complied with requirements for license, age, driver examination, application and fee
\$2013	**Operating school bus without having passed annual physical examination

Title 29

Offense

\$2014

**Passing stopped school bus

\$2182(1)

**Display or possession of mutilated, revoked, suspended, fictitious, or fraudulently altered license or instruction permit

\$2182(2)

**Loaning operator license or instruction permit

\$2182(3)

**Representing someone else's license or instruction permit as one's own

\$2182(4)

**Permitting unlawful use of operator license or instruction permit

\$2183

**Illegal display and use of plates

\$2186

**Tampering with repair or maintenance signs

*Operating on closed way

\$2241-C

*Operating under foreign license during suspension or revocation

\$2371(3)

**Failure to surrender original certificate of title upon recovery

\$2372(1)

*Failure to report transfer of interest in motor vehicle

\$2373

*Failure of dealer to report transfer of motor vehicle

\$2377

**Failure to deliver certificate of title of dismantled or destroyed vehicle together with plate

\$2403

*Failure to report creation of security interest in motor vehicle to Secretary of State

\$2406

*Failure of lienholder to furnish information to owner or other lienholder

Appendix E. Model Traffic Ticket

1. ABA Uniform Traffic Ticket and Complaint

a. Complaint

COMPLAINT

UNIFORM TRAFFIC TICKET AND COMPLAINT

CASE No. _____ DOCKET No. _____ PAGE No. _____

STATE OF _____)
COUNTY OF _____) ss. No. _____
CITY OF _____) COMPLAINT

IN THE _____ COURT OF _____
THE UNDERSIGNED, SOLEM DULY SWORN, WHO HIS DATE BEGINS AND ENDS:

ON THE _____ DAY OF _____ 19____ AT _____ Mo.

NAME _____ (Please Print)
STREET _____
CITY - STATE _____
BIRTH DATE _____ RACE _____ SEX _____ HT. _____ WT. _____
OP. LIC. NO. _____ DID UNLAWFULLY (MARK) (OPERATE)
VEH. LIC. NO. _____ STATE _____ YEAR _____
HAIR _____ BODY TYPE _____ COMB. _____
UPON A PUBLIC HIGHWAY, NAMELY AT LOCATION _____

IN VIOLATION OF THE CITY, COUNTY AND STATE ORDINANCES AND DOGS TOWN AND THESE COMMIT THE FOLLOWING OFFENSES:

VEHICLE VIOLATIONS

SPEEDING (over limit) 5-10 m.p.h. 11-15 m.p.h. over 15 m.p.h.
 Excessive P.H. No. No signal Col. carter From wrong lane
 Improper LEFT TURN No signal Col. carter From wrong lane
 Improper RIGHT TURN No signal Into wrong lane From wrong lane
 Display of TRAFFIC SIGNAL, Traffic light Past middle intersection Middle of intersection Not reached intersection
 Display of STOP SIGN Wrong place Walk speed Feet in wrong side of pavement
 Improper PASSING At intersection Cut in Wrong side of pavement
 LANE USAGE Between Through On right On left
 Lane straddling Wrong lane On curve

OTHER VIOLATIONS (describe): _____

IN VIOLATION OF THE (CITE) (SECTION) IN THE LAW AND THESE:

PARKING: Meter No. _____ Over time Prohibited area Double parking

Other parking violation (describe): _____

VIOLATIONS

SLIPPERY Aids TO DOGGY IN ACCIDENT
 FAYERSBY Aid Penalties Intention
 DAREWIND Aid Drive Intention
 Aid Drive Intention
 Aid Drive Intention

OTHER TRAFFIC INCIDENTS

Just missed Near miss
 Other traffic accident Near miss
 Other traffic accident Near miss
 Other traffic accident Near miss

AREA: Business Industrial School Residential Rural
HIGHWAY TYPE: 1 lane 2 lane 3 lane 4 lane 6 lane divided

THE UNDERSIGNED FURTHER STATES THAT HE HAS JUST AND REASONABLE GROUNDS TO BELIEVE, AND DOES BELIEVE, THAT THE PERSON NAMED ABOVE COMMITTED THE OFFENSE HEREIN SET FORTH, CONTRARY TO LAW, SWORN TO AND SUBSCRIBED BEFORE ME

THIS DAY OF _____ 19____ (Signature and Identification of officer or other complainant)

(Name and Title)
COURT APPEARANCE _____ DAY OF _____ 19____ AT _____ Mo.
ADDRESS OF COURT _____

Prepared by American Bar Association Traffic Court Program

(FRONT)

COMPLAINT

Case No. _____ Docket No. _____ Page No. _____

Date _____ COURT ACTION AND OTHER ORDERS

The within complaint has been examined and there is probable cause for filing the same. Leave is hereby granted to file the complaint. Complaint filed.

Bail bond of \$ _____ or cash deposit of \$ _____
Signature of person giving bail _____
Signature of person taking bail _____

Fine in the amount of \$ _____ received as required by court schedule.
Signature of Clerk _____

Continuance to _____ Reason _____
Continuance to _____ Reason _____

Warrant issued _____
Warrant served _____

Trial by Court (Jury) Fees _____
Defendant Arraigned _____ Waives Trial by Jury _____
Filing by Jury _____
The Court, therefore, enters following order:
Fined \$ _____
Jailed _____ Days in _____
Probation _____
First Offense Written Warning _____
Traffic School _____
Driver License suspended for _____ days _____

Signature of Judge _____

Tenancy - Judge's Notes for other Court Order _____

Appeal Bond of \$ _____ Filed for _____
Appeal to _____ Court _____

(REVERSE)

Appendix E.2. b. Summons-Criminal Court

CRIMINAL COURT - CITY OF NEW YORK

Failure to comply with these instructions may result in the issuance of a warrant for your arrest.

TO PLEAD GUILTY

By Mail:

If a specific fine is NOT designated on the face of this summons you may NOT plead guilty by mail and a personal appearance will be necessary. Consult the instruction under "In Person" below.
If a specific fine is designated on the face of this summons then, within ten days after receipt of this summons, complete the PLEA FORM below checking the "Guilty" box therein and mail the specified fine together with this summons to the Court and location specified on the face of this summons. Make your check or money order payable to the Criminal Court. DO NOT MAIL CASH.

In Person:

On the date and time set for appearance you MUST appear in person or by counsel at the Court and location specified on the face of this summons.
For New York licensees: If a traffic offense is charged, your Record of Convictions (Part 2 of your Driver's License) must be presented at that time.

TO PLEAD NOT GUILTY

By Mail:

Within 48 hours after receipt of this summons complete the PLEA FORM below checking the "Not Guilty" box therein, and mail this summons to the NOT GUILTY UNIT at the Court and location specified on the face of this summons. The Court will then notify you by mail of the date to appear for trial.

In Person:

Appear in person or by counsel on the date and time set for appearance at the Court and location specified on the face of this summons. A second court appearance will then be required at a later date for trial.

UPON APPEARING FOR ARRAIGNMENT - YOU HAVE THE RIGHT:

To the aid of counsel at your arraignment and at every subsequent state of the action.

To an adjournment for the purpose of obtaining counsel.
To have counsel assigned by the Court if you are financially unable to obtain counsel except if you are charged with a traffic infraction only.

To have a supporting deposition filed as provided in section 100.25 of the Criminal Procedure Law when the accusatory instrument filed against you is a Simplified Traffic Information.
IF TRAFFIC OFFENSE OTHER THAN PARKING OR JAYWALKING IS CHARGED:

A plea of guilty to this charge is equivalent to a conviction after trial. If you are convicted, not only will you be liable to a penalty, but in addition your license to drive a motor vehicle or motor cycle, and your certificate of registration, if any, are subject to suspension and revocation as prescribed by law.

DO NOT DETACH. SUBMIT ENTIRE SUMMONS.

PLEA FORM

I hereby plead GUILTY NOT GUILTY

NAME (PRINT) _____

ADDRESS _____

CITY _____ STATE _____ ZIP NO. _____

SIGNATURE _____ DATE _____

(Reverse)

A PARKING VIOLATIONS BUREAU STATE ADM. ADJ. BUR. C CRIMINAL COURT
PRINT ALL ENTRIES • USE BALL POINT PEN • PRESS HARD 44153

SUMMONS THE PEOPLE OF THE STATE OF NEW YORK-VS-

VOID

LAST NAME FIRST NAME INITIAL

STREET ADDRESS

CITY (as shown on license) STATE ZIP NO.

LICENSE OR IDENTIFICATION NUMBER

STATE	TYPE OF LICENSE	DATE EXPIRES	SEX	DATE OF BIRTH	OPERATOR OWNERS VEHICLE
				MO. DAY YR.	<input type="checkbox"/> YES <input type="checkbox"/> NO

THE OPERATOR OR REGISTERED OWNER OF VEHICLE DESCRIBED BELOW

YEAR	AND MAKE OF VEHICLE	COLOR	BODY TYPE

THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS

PLACE OF OCCURRENCE PRECINCT OF OCCURRENCE

COUNTY DATE TIME IN VIOLATION OF

TRAFFIC REGULATION TRAFFIC LAW ADMINISTRATIVE CODE OTHER LAW

SECTION OF

CRIMINAL COURT

(Front)

Appendix E. 2 c. Summons-Department of Motor Vehicles-Administrative Adjudication Bureau

DEPARTMENT OF MOTOR VEHICLES - ADMINISTRATIVE ADJUDICATION BUREAU

TO PLEAD GUILTY

Read Notice printed in red on face of this Summons.

See Fine Schedule below to determine amount of your fine.

Complete the Plea Form below and check "Guilty" box.

Mail your check or money order in the appropriate amount, payable to Department of Motor Vehicles, within 10 days together with this Summons and your Record of Convictions (Part 2 of your Driver's License) to the Mailing Address below. DO NOT SEND CASH.

Bring this Summons and your Record of Convictions (Part 2 of your Driver's License) to any of the hearing office locations listed below, on or before date of appearance.

FINE SCHEDULE FOR GUILTY PLEAS

SPEEDING 1-14 MPH over limit \$25 Inspection or Equipment Violation \$15

15-24 MPH over limit \$35 All Other Offenses \$25

25 MPH or more over limit - personal appearance required.

TO PLEAD GUILTY WITH EXPLANATION

Read notice printed in red on face of this Summons.

Bring this Summons and your Record of Convictions (Part 2 of your Driver's License) to any of the hearing office locations listed below, on or before date of appearance.

TO PLEAD NOT GUILTY

Complete the Plea Form below and check "Not Guilty" box.

Send this Summons to the Mailing Address below within 10 days.

Enter your "Not Guilty" plea in person within 10 days at any of the hearing office locations listed below.

Your hearing will be on the Date of Appearance and at the time indicated on the face of this Summons, at the hearing office location in the county in which the Summons was issued.

HEARING OFFICE LOCATIONS:

Bronx 2435 Sedgwick Ave. Brooklyn 350 Livingston St. Manhattan 30 East 26th St.

Queens 3 Lefrak City Plaza Richmond 80 Bay Street

(Junction Blvd. & Long Island Expressway)

Daytime hours are Monday through Friday 9:30 A.M. to 4:00 P.M.

Evening hours are Thursday 4:00 P.M. to 7:30 P.M.

MAILING ADDRESS

Administrative Adjudication - Plea Unit

Department of Motor Vehicles

The South Mall

Albany, New York 12228

Rules and regulations of the Administrative Adjudication Bureau may be inspected at any of the above offices.

PLEA FORM DO NOT DETACH

I, the undersigned, plead GUILTY NOT GUILTY

NAME (PRINT) _____

ADDRESS _____

CITY _____ STATE _____ ZIP NO. _____

SIGNATURE _____ DATE _____

(Reverse)

VIOLATIONS BUREAU PRINT ALL ENTRIES • USE BALL POINT PEN • PRESS HARD 44153

SUMMONS THE PEOPLE OF THE STATE OF NEW YORK-VS-

VOID

LAST NAME FIRST NAME INITIAL

STREET ADDRESS

CITY (as shown on license) STATE ZIP NO.

LICENSE OR IDENTIFICATION NUMBER

STATE TYPE OF LICENSE DATE EXPIRES SEX DATE OF BIRTH OPERATOR OWNERS VEHICLE

MO. DAY YR. YES NO

THE OPERATOR OR REGISTERED OWNER OF VEHICLE DESCRIBED BELOW

YEAR AND MAKE OF VEHICLE COLOR BODY TYPE

PLATE TYPE STATE DATE EXPIRES NO. YR.

THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS

PLACE OF OCCURRENCE PRECINCT OF OCCURRENCE

COUNTY DATE TIME IN VIOLATION OF

TRAFFIC REGULATION TRAFFIC LAW ADMINISTRATIVE CODE OTHER LAW

SECTION OF

N.Y.S. DEPT. OF MOTOR VEHICLES ADMINISTRATIVE ADJUDICATION BUR.

(Front)

Appendix E. 2 d. Summons-Notice of Violation-
Parking Violations Bureau

City of New York

Parking Violations Bureau

HEARING OFFICES
LOCATIONS:
 1910 Arthur Avenue
7th Floor
Manhattan
475 Park Avenue South
1st and 2nd Street 6th Floor
Manhattan
1 Larkston City Plaza - 2nd Floor
Larkston Blvd & Long Island Expressway
Brooklyn
30 Bay Street
Manhattan

DAILY HOURS:
Monday to Friday, 9am to 4:30 pm
EVENING HOURS:
Thursday
Friday
Saturday
Sunday

TIME TO ACT
A fine must be entered and the summons returned WITHIN SEVEN (7) DAYS of the date this summons is issued. FAILURE to do so may result in additional PENALTIES up to \$75.00 and may lead to a default judgment and possible denial of vehicle registration renewal.

OR
If you have either of the following defenses, check the appropriate box and mail to: Parking Violations Bureau, P.O. Box 70, Peck Slip Station, New York, N. Y. 10038.
 Special Vehicle Identification
 Meter No. _____ Traffic Disc. Meter No. _____
 (NOTE: Jammed or inoperable meters are not identifiable please since the N.Y.C. Traffic regulations (\$ 9-3) prohibit parking at inoperable meters)

PLEA FORM
 GUILTY
 NOT GUILTY
 SUPPLEMENTARY
 I hereby plead _____

MAIL TO:
PARKING VIOLATIONS BUREAU
 P.O. BOX 1527, PECK SLIP STATION
 NEW YORK, N. Y. 10038
 Return to you will be returned confirming or denying the hearing date you have selected or filing a new date if your choice is not available.
BRING THIS SUMMONS and all PROOF (including photos, etc.) with you to your HEARING.

TO PLEAD NOT GUILTY OR GUILTY WITH AN EXPLANATION
 BRING THIS SUMMONS and all PROOF to any PAV HEARING OFFICE address listed on the reverse side within 7 days, (excluding weekends and holidays).

OR
 FILL IN the following:
 • DATE (Tuesday 31-40 days after the date of this summons)
 • LOCATION: Bronx, Brooklyn, Queens, Manhattan, Richmond (Circle one)
 • CHECK the "not guilty" or "guilty with an explanation" box on the PLEA FORM and fill in your name and address on the back form.
 • MAIL TO:
PARKING VIOLATIONS BUREAU
 P.O. BOX 1527, PECK SLIP STATION
 NEW YORK, N. Y. 10038
 Return to you will be returned confirming or denying the hearing date you have selected or filing a new date if your choice is not available.
BRING THIS SUMMONS and all PROOF (including photos, etc.) with you to your HEARING.

(Reverse)

VOID

SUMMONS
NOTICE OF VIOLATION

PRINT ALL ENTRIES • USE BALL POINT PEN • PRESS HARD (4233)

SUMMONS
NOTICE OF VIOLATION

LAST NAME _____ FIRST NAME _____ INITIAL _____
 STREET ADDRESS _____
 CITY (as shown on license) _____ STATE _____ ZIP NO. _____

LICENSE OR IDENTIFICATION NUMBER _____

THE OPERATOR OR REGISTERED OWNER OF VEHICLE DESCRIBED BELOW

THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS

PLACE OF OCCURRENCE _____

COURT _____ DATE _____ TIME _____ IN VIOLATION OF _____

PARKING

YOU MUST ACT WITHIN 7 DAYS

TO PAY FINE:
 Check guilty on the Plea Form (back of summons, bottom middle)
 Mail this summons within 7 days with a check or money order for the amount checked below to:
 Parking Violations Bureau
 P. O. Box 127
 Peck Slip Station
 New York, N. Y. 10038
 Write the summons number and plate number on the front of your check or money order.

TO PLEAD NOT GUILTY OR GUILTY WITH AN EXPLANATION
 See back of summons

SCHEDULED FINE \$10 \$15 \$25 \$35 OTHER \$ _____

Failure to plead on time may cause additional penalties up to \$25 and may lead to a default judgment.

I PERSONALLY OBSERVED THE COMMISSION OF THE OFFENSE CHARGED ABOVE. AFFIRMED UNDER PENALTY OF PERJURY ON OATH OF OFFICER.

NAME/SIGNATURE OF COMPLAINANT _____ SOULD _____ COMMAND _____

COMPLAINANT'S NAME (PRINTED) _____ TAX REGISTRY NO. _____ AGENCY _____

FOLLOW INSTRUCTIONS ON REVERSE SIDE

PARKING VIOLATIONS BUREAU

(Front)

Appendix E. Model Traffic Ticket

3. Hudson County, New Jersey, Ticket and Complaint

a. Complaint

MAIL FIXED **ADJOURNMENTS**

DATE _____ TO _____ REASON _____
 AMOUNT \$ _____ TO _____ REASON _____
 (SIGNATURE PERSON RIVING BAIL) _____ (SIGNATURE OF CLERK OR JUDGE) _____
 (SIGNATURE PERSON TAKING BAIL) _____ (SIGNATURE OF CLERK OR JUDGE) _____

VIOLATIONS BUREAU **APPEAL**

DATE _____ DATE FILED _____
 FINE \$ _____ AMT. OF BOND \$ _____
 COSTS \$ _____
 (SIGNATURE OF CLERK) _____ (SIGNATURE OF CLERK OR JUDGE) _____

COURT/ACTION

BAIL FORFEITURE: AMOUNT \$ _____
 (DATE) _____ (SIGNATURE OF JUDGE) _____

FLEA _____ **FINDING** _____
SENTENCE: FINE \$ _____ COSTS \$ _____
 -JAIL _____ DAYS
 DR. LICENSE REVOKED _____ DAYS
 OTHER _____
 (DATE) _____ (SIGNATURE OF JUDGE) _____

(WITNESSES, TESTIMONY, JUDGE'S NOTES, ETC.) _____

(Reverse)

C 22507

HUDSON COUNTY DISTRICT COURT
Criminal Part
HUDSON COUNTY
POLICE

BUCKET No. _____ REG. No. _____
COMPLAINT
 THE UNDERSIGNED CERTIFIES THAT:

MONTH _____ DAY _____ YEAR _____ HOUR _____ M. _____
 NAME FIRST (PLEASE PRINT) _____ INITIAL _____ LAST _____
 ADDRESS _____
 CITY _____ STATE _____ TELEPHONE NO. _____

DRIVER LIC. NO. _____
 DATE OF BO. _____ YEAR _____ SEX _____ HGT. _____ WT. _____ STATE _____ EXP. DATE _____
 EMPLOYERS NAME _____
 BUSINESS ADDRESS _____

DID UNLAWFULLY (PARK) (OPERATE) A

MAKE OF VEHICLE _____ YEAR _____ BODY TYPE _____ COLOR _____
 LICENSE PLATE NO. _____ STATE _____ EXP. DATE _____
 LOCATION (STREET) _____ MUNICIPALITY _____

AND DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE(S)

SPEEDING _____ M.P.H. IN _____ M.P.H. ZONE
 CARELESS DRIVING _____
 RECKLESS DRIVING _____

(DESCRIBE IN WORDS) _____

SUBSEANS OF **IMPROPER OPERATION BY**

Traffic signal Blue sign Improper turn Parking on grade
 Officer's signal Yield sign Not having right Crossing center line
 Parking on curb

OTHER VIOLATION (DESCRIBE IN WORDS) _____

STATUTE: _____ ORDINANCE NO. _____ SEC. _____
 P.A.R.K.I.N.G.: OVERTIME - METER NO. _____ STREET CLEANING
 DOUBLE _____ PROHIBITED AREA
 OTHER (DESCRIBE) _____

STATUTE: _____ ORDINANCE NO. _____ SEC. _____
 THE UNDERSIGNED FURTHER STATES THAT HE HAS JUST AND REASONABLE GROUNDS TO BELIEVE, AND DOES BELIEVE THAT THE PERSON NAMED ABOVE COMMITTED THE OFFENSE(S) HEREIN SET FORTH, CONTRARY TO LAW.
 (DATE) _____ (SIGNATURE OF COMPLAINANT) _____

IDENTIFICATION _____
 COURT APPEARANCE REQUIRED
 COURT APPEARANCE _____ DAY OF _____ 197 _____
 AT 9:00 A.M.
 ADDRESS OF COURT: 555 NEWARK AVE., JERSEY CITY, N. J.
 PERSONAL INJURY PROPERTY DAMAGE
 NOTICE: If you intend to plead not guilty and to contest the charge specified in this summons, at least 3 days prior to the date filed for your appearance in court, you must notify the clerk, whose address and telephone number is shown on the summons, of your intention. If you fail to so notify the clerk it may be necessary for you to make two court appearances.

COMPLAINT

(Form Approved May 1, 1968)

(Front)

DISPOSITION OF CASE

ADJOURNMENTS: (Date)

TO _____ REASON _____

TO _____ REASON _____

BAIL: AMOUNT \$ _____ CASH BOND

POSTED WITH _____
(Name and Title)

FORFEITURE: AMOUNT \$ _____ DATE _____

DISPOSITION DATE _____ BY: COURT OR VIOL. BUR.

PLEA _____ FINDING _____

SENTENCE: FINE \$ _____ COSTS \$ _____

JAIL _____ DAYS

DR. LICENSE REVOKED _____ DAYS

OTHER _____

OFFICER'S COMMENTS
(See Instructions on Cover)

WITNESSES: (Name and Address)

	SUBPOENA ISSUED	
	YES	NO
1. _____	<input type="checkbox"/>	<input type="checkbox"/>
2. _____	<input type="checkbox"/>	<input type="checkbox"/>
3. _____	<input type="checkbox"/>	<input type="checkbox"/>

(Reverse)

C 22507 HUDSON COUNTY DISTRICT COURT
Criminal Part

HUDSON COUNTY POLICE

BUCKET No. _____ REC. No. _____

THE UNDERSIGNED CERTIFIES THAT:

POLICE RECORD

MONTH _____ DAY _____ YEAR _____ HOUR _____

NAME FIRST (PLEASE PRINT) _____ INITIAL _____ LAST _____

ADDRESS _____

CITY _____ STATE _____ TELEPHONE NO. _____

DRIVER LIC. NO. _____

DATE OF BIRTH _____ YEAR _____ MONTH _____ DAY _____ SEX _____ WEIGHT _____ HEIGHT _____ STATE _____ EXP. DATE _____

EMPLOYERS NAME _____

BUSINESS ADDRESS _____

DID UNLAWFULLY (PARK) (OPERATE) A _____

MAKE OF VEHICLE _____ YEAR _____ BODY TYPE _____ COLOR _____

LICENSE PLATE NO. _____ STATE _____ EXP. DATE _____

LOCATION: STREET _____ MUNICIPALITY _____

AND DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE(S):

SPEEDING _____ M.P.H. IN _____ M.P.H. ZONE

CARELESS DRIVING RECKLESS DRIVING

(DESCRIBE IN WORDS)

DISREGARD OF _____ IMPROPER OPERATION BY _____

Traffic signal Stop sign Imperfect turn Passing on grade

Officer's signal Yield sign Not keeping right Crossing center line

Passing on curve

OTHER VIOLATION (DESCRIBE IN WORDS) _____

STATUTE: R. S. _____ ORDINANCE NO. _____ SEC. _____

PARKING: OVERTIME - METER NO. _____ STREET CLEANING

DOUBLE PROHIBITED AREA

OTHER (DESCRIBE): _____

STATUTE: R. S. _____ ORDINANCE NO. _____ SEC. _____

THE UNDERSIGNED FURTHER STATES THAT HE HAS JUST AND REASONABLE GROUNDS TO BELIEVE, AND DOES BELIEVE THAT THE PERSON NAMED ABOVE COMMITTED THE OFFENSE(S) HEREIN SET FORTH, CONTRARY TO LAW.

(DATE) _____ (SIGNATURE OF COMPLAINANT) _____

IDENTIFICATION COURT APPEARANCE REQUIRED

COURT APPEARANCE _____ DAY OF _____ 197____

AT 9:00 A.M.

ADDRESS OF COURT: 885 NEWARK AVE., JERSEY CITY, N. J.

PERSONAL INJURY PROPERTY DAMAGE

NOTICE: If you intend to plead not guilty and to contest the charges specified in this summons, at least 3 days prior to the date fixed for your appearance in court, you must notify the clerk, whose address and telephone number is shown on the summons, of your intention. If you fail to so notify the clerk it may be necessary for you to make two court appearances.

(FORM APPROVED MAY 1, 1968)

POLICE RECORD

(Front)

DISPOSITION OF CASE

ADJOURNMENTS: (Date)

TO _____ REASON _____

TO _____ REASON _____

BAIL: AMOUNT \$ _____ CASH BOND

POSTED WITH _____
(Name and Title)

FORFEITURE: AMOUNT \$ _____ DATE _____

DISPOSITION DATE _____ BY: COURT OR VIOL. BUR.

PLEA _____ FINDING _____

SENTENCE: FINE \$ _____ COSTS \$ _____

JAIL _____ DAYS

DR. LICENSE REVOKED _____ DAYS

OTHER _____

OFFICER'S COMMENTS
(See Instructions on Cover)

WITNESSES: (Name and Address)

	SUBPOENA ISSUED	
	YES	NO
1. _____	<input type="checkbox"/>	<input type="checkbox"/>
2. _____	<input type="checkbox"/>	<input type="checkbox"/>
3. _____	<input type="checkbox"/>	<input type="checkbox"/>

(Reverse)

C 22507 HUDSON COUNTY DISTRICT COURT
Criminal Part

HUDSON COUNTY POLICE

BUCKET No. _____ REC. No. _____

THE UNDERSIGNED CERTIFIES THAT:

OFFICER'S COPY

MONTH _____ DAY _____ YEAR _____ HOUR _____

NAME FIRST (PLEASE PRINT) _____ INITIAL _____ LAST _____

ADDRESS _____

CITY _____ STATE _____ TELEPHONE NO. _____

DRIVER LIC. NO. _____

DATE OF BIRTH _____ YEAR _____ MONTH _____ DAY _____ SEX _____ WEIGHT _____ HEIGHT _____ STATE _____ EXP. DATE _____

EMPLOYERS NAME _____

BUSINESS ADDRESS _____

DID UNLAWFULLY (PARK) (OPERATE) A _____

MAKE OF VEHICLE _____ YEAR _____ BODY TYPE _____ COLOR _____

LICENSE PLATE NO. _____ STATE _____ EXP. DATE _____

LOCATION: STREET _____ MUNICIPALITY _____

AND DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE(S):

SPEEDING _____ M.P.H. IN _____ M.P.H. ZONE

CARELESS DRIVING RECKLESS DRIVING

(DESCRIBE IN WORDS)

DISREGARD OF _____ IMPROPER OPERATION BY _____

Traffic signal Stop sign Imperfect turn Passing on grade

Officer's signal Yield sign Not keeping right Crossing center line

Passing on curve

OTHER VIOLATION (DESCRIBE IN WORDS) _____

STATUTE: R. S. _____ ORDINANCE NO. _____ SEC. _____

PARKING: OVERTIME - METER NO. _____ STREET CLEANING

DOUBLE PROHIBITED AREA

OTHER (DESCRIBE): _____

STATUTE: R. S. _____ ORDINANCE NO. _____ SEC. _____

THE UNDERSIGNED FURTHER STATES THAT HE HAS JUST AND REASONABLE GROUNDS TO BELIEVE, AND DOES BELIEVE THAT THE PERSON NAMED ABOVE COMMITTED THE OFFENSE(S) HEREIN SET FORTH, CONTRARY TO LAW.

(DATE) _____ (SIGNATURE OF COMPLAINANT) _____

IDENTIFICATION COURT APPEARANCE REQUIRED

COURT APPEARANCE _____ DAY OF _____ 197____

AT 9:00 A.M.

ADDRESS OF COURT: 885 NEWARK AVE., JERSEY CITY, N. J.

PERSONAL INJURY PROPERTY DAMAGE

NOTICE: If you intend to plead not guilty and to contest the charges specified in this summons, at least 3 days prior to the date fixed for your appearance in court, you must notify the clerk, whose address and telephone number is shown on the summons, of your intention. If you fail to so notify the clerk it may be necessary for you to make two court appearances.

(FORM APPROVED MAY 1, 1968)

OFFICER'S COPY

(Front)

Appendix E. 3 d. Summons

READ CAREFULLY
COURT APPEARANCE REQUIRED
 If the other side of this Summons is checked at the bottom "Court Appearance Required", you must appear in Court at the time and place indicated.
 If this Summons is not checked "Court Appearance Required", you must still appear in court as indicated in:
 a. You wish to contest the charge, call court for appearance date.
 b. The offense is not listed on the Violations Bureau Schedule.

PAYMENT THROUGH VIOLATIONS BUREAU
 If you wish to plead guilty and waive your right to a hearing in Court, you may do so provided "Court Appearance Required" has not been checked and provided also the offense is listed on the Violations Bureau Schedule. You may telephone the Violations Clerk to determine whether the offense is on the Violations Bureau Schedule and the amount of the penalty. If the Violations Bureau is authorized to dispose of your offense, **PRICED TO THE DATE OF YOUR APPEARANCE IN COURT** you should complete in full the Appearance, Plea and Waiver (see below) and bring or mail this Summons, together with payment in the amount of the prescribed penalty to the Violations Bureau at the address indicated below. **IF PAYMENT IS MADE BY MAIL DO NOT SEND CASH; SEND CERTIFIED CHECK OR MONEY ORDER ONLY PAYABLE TO THE HUDSON COUNTY DISTRICT COURT, CRIMINAL PART.** If payment is received by the Violations Bureau after the appearance date, you may be assessed additional penalties and you may be required to appear in court. (A receipt will be sent to you only if your payment is accompanied by a self-addressed, stamped envelope.)

VIOLATIONS BUREAU IS LOCATED AT 595 NEWARK AVE., JERSEY CITY, N. J. OFFICE HOURS 8:30 a.m. to 4:30 p.m., ROOM 08, TELEPHONE 792-3737 - EXTENSIONS: 402 - 403 - 404.

Stop Signs - Traffic Signals - Red Light, Officers Signal - \$15. Fail to Keep Right - \$15. Loading or to Split - \$15. Improper Turns - \$15. No Inspection - \$15. Noley Motorist \$15. Trucking on Skway, Blvd. or Park - \$15.
 Motor - \$5. All other Parking \$10.

NOTICE
 Supreme Court rules provide for criminal contempt proceedings against persons aiding in the improper disposition of a traffic ticket and for failure to obey a Summons.

For failure to appear in response to this Summons or to pay the prescribed fine and costs, a warrant may be issued for your arrest and your driving privileges in New Jersey may be revoked.

APPEARANCE, PLEA AND WAIVER
 I hereby enter my appearance on the complaint for the offense charged in this Summons, Waive my right to a court hearing, and Plead Guilty to the offense charged and agree to pay the prescribed penalty. I know that a record of this conviction will be sent to the Division of Motor Vehicles which issued my license.

(Defendant's Signature) _____
 DRIVER LIC. NO. _____
 Street Address _____
 City or Town _____ State _____

(Reverse)

C 22507

HUDSON COUNTY DISTRICT COURT
 Criminal Part
HUDSON COUNTY POLICE
 THE UNDERSIGNED CERTIFIES THAT:

DOCKET NO. _____ REG. NO. _____
SUMMONS
 MONTH _____ DAY _____ YEAR _____ HOUR _____ M.
 NAME FIRST (PLEASE PRINT) _____ INITIAL _____ LAST _____
 ADDRESS _____
 CITY _____ STATE _____ TELEPHONE NO. _____
 DRIVER LIC. NO. _____
 DATE OF NO. _____ YEAR _____ SECS _____ RES _____ WEIGHT _____ HEIGHT _____ STATE _____ EXP. DATE _____
 BIRTH _____ EMPLOYER NAME _____
 BUSINESS ADDRESS _____
 DID UNLAWFULLY (PARK) (OPERATE) A _____
 MAKE OF VEHICLE _____ YEAR _____ BODY TYPE _____ COLOR _____
 LICENSE PLATE NO. _____ STATE _____ EXP. DATE _____
 LOCATION STREET _____ MUNICIPALITY _____
 AND DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE(S):
 SPEEDING _____ M.P.H. IN _____ M.P.H. ZONE _____
 CARELESS DRIVING _____ RECKLESS DRIVING _____
 (DESCRIBE IN WORDS) _____
 DISREGARD OF IMPROPER OPERATION BY
 Traffic signal Stop sign Improper turn Passing on pass
 Officer's signal Yield sign Not keeping right Crossing center line
 _____ _____ _____ _____
 OTHER VIOLATION (DESCRIBE IN WORDS) _____
 STATUTE: _____ ORDINANCE NO. _____ SEC. _____
 PARKING: OVERTIME - METER NO. _____ STREET CLEANING
 DOUBLE _____ PROHIBITED AREA _____
 OTHER (DESCRIBE) _____
 STATUTE: _____ ORDINANCE NO. _____ SEC. _____
 THE UNDERSIGNED FURTHER STATES THAT HE HAS JUST AND REASONABLE GROUNDS TO BELIEVE, AND DOES BELIEVE THAT THE PERSON NAMED ABOVE COMMITTED THE OFFENSE(S) HEREIN SET FORTH, CONTRARY TO LAW.
 (DATE) _____ (SIGNATURE OF COMPLAINANT) _____
 IDENTIFICATION COURT APPEARANCE REQUIRED _____
 COURT APPEARANCE _____ DAY OF _____ 197 _____
 AT 9:00 A.M.
 ADDRESS OF COURT: 595 NEWARK AVE., JERSEY CITY, N. J.
 PERSONAL INJURY PROPERTY DAMAGE
 NOTICE: If you intend to plead not guilty and to contest the charge specified in this summons, at least 3 days prior to the date fixed for your appearance in court, you must notify the clerk, whose address and telephone number is shown on the summons, of your intention. If you fail to do so, the clerk is not bound to appear for you in court.
 (FORM APPROVED MAY 1 1968)

(Front)

Appendix E. Model Traffic Ticket

FORM 1

4. TRAFFIC TICKET CONTROL RECORD

TRAFFIC COURT--HUDSON COUNTY BOULEVARD POLICE DEPARTMENT

TICKET No.	DATE ISSUED	NAME OF OFFICER	DATE TO VIOLATOR	DISPOSITION OF TICKET	
				DOCKET	DATE
C 15001					
C 15002					
C 15003					
C 15004					
C 15005					
C 15006					
C 15007					
C 15008					
C 15009					
C 15010					
C 15011					
C 15012					
C 15013					
C 15014					
C 15015					
C 15016					
C 15017					
C 15018					
C 15019					
C 15020					
C 15021					
C 15022					
C 15023					

Appendix F. Para-Judicial Method of Adjudication*

Used in the Recorder's Court of Detroit, Michigan, this type of system consists of an independent traffic court staffed by elected judges, who do not sit on other courts, as well as appointed hearing officers called "referees."

The judges possess full adjudicatory power to hear all cases arising from violations of state codes or city ordinances and review all decisions made by the referees. On a rotating basis, referees are nominated by one judge, each appointment subject to the other judges' approval. All referees must be members of the bar and are not permitted to conduct a private practice while sitting as a referee. They are appointed to serve indefinite terms. They are empowered to hear all city ordinance violations, and their decisions are technically treated as recommendations to be approved or overruled by the judges.

The Traffic and Ordinance Division is a court of limited trial jurisdiction, authorized to hear both state misdemeanors (excessive speed, etc.) and city ordinance violations (speeding and other moving violations). The court also administers its own driver improvement program which utilizes professional driver education instructors.

*See Effective Adjudication, Vol. III, pp. 62-67.

Arrest or posting of bail is not required in the majority of traffic violations. A uniform citation/summons is the primary charging and notification document. The majority of motorists charged with committing a traffic violation are cited under city ordinances rather than state traffic codes. Arrest can occur, and does in all state misdemeanor cases. Jailed motorists are given a prompt bail hearing/arraignment before a referee. The defendant may plead guilty or post bond and be scheduled for trial.

In most offenses the referees handle the bulk of the adjudicative process; from arraignment to trial. Pre-trial and adjudicatory functions have been integrated into one process. A motorist can pre-pay all city ordinance violations by mail or in person at the Traffic Court. With four or more violations in a year, a motorist must appear in court. Required appearances are before a referee. If the motorist pleads guilty, the referee can accept the plea and impose penalties on the motorist. The motorist can either accept the referee's recommendation or request that a judge review the case. Trials by a judge occur only in cases involving state misdemeanors or where a new trial has been ordered. Referees have flexibility in determining appropriate sanctions and are empowered to impose such alternative sanctions as probation, license suspension, or driver improvement school. Incarceration is rarely imposed.

Judicial review of a referee's recommendation serves to give judicial legitimacy to the referee's actions. To obtain a judicial hearing a defendant must request it after his hearing. After review, the judges have three options:

- a. accept the referee's recommendations;
- b. accept the recommendation and modify the penalty;
- c. reject the recommendation and order a new trial.

If a motorist fails to appear or respond to a city violation, a computer-produced warrant is issued for his arrest. A notice of his failure to appear is simultaneously sent to the Department of Motor Vehicles, which suspends the motorist's license until further notice from the court. Failure to respond to a state violation results in issuance of a bench warrant for the defendant's arrest, and his license is suspended indefinitely.

Appendix G. Administrative Method of Adjudication *

An alternative approach to traffic adjudication is that now employed in New York State. Minor traffic offenses are non-criminal and in the state's three largest cities are heard by administrative referees of the Department of Motor Vehicles rather than by judges. Misdemeanors and felonies are heard by judges of the Criminal Court. The program operates in the cities of New York, Buffalo and Rochester, adjudicating over six million cases a year.

All hearing referees are attorneys and civil servants. They are required to have had a minimum of five years' prior experience in administrative law or trial practice. They must undergo orientation courses in highway safety and driver control. Senior referees are responsible for the supervision and administration of activities for a specified city or area.

A case begins when the motorist is issued a citation/summons in the form of the uniform ticket and citation. It contains the officer's assigned court date and informs the motorist how to respond to the summons. It includes a statement of the consequences of ignoring the summons. No bond is required to insure appearance; a driver's license may be

* Sources: Observations of administrative adjudication bureaus in New York City, Buffalo, and Rochester; interviews with Donald Bardell, Deputy Commissioner and Counsel, New York State Department of Motor Vehicles; Effective Adjudication, Vol. III, pp. 75-84.

deposited in lieu of bail. A deposit, equal to the amount of the fine, is required of "scofflaws" who desire a trial after they have been denied license renewal by the Department of Motor Vehicles.

In many cases, no appearance by the motorist is necessary, and he can plead guilty by mail. All the necessary instructions are contained on the summons form including a fine schedule. The mail plea and payment are mailed to the Department of Motor Vehicles and the plea is entered into a computer. If the offender's prior record so warrants, the plea may be rejected and a hearing scheduled with notification immediately sent to the motorist.

An offender may also plead guilty and pay his fine at any hearing office, not necessarily the office serving the area where the violation took place. This must be done prior to the scheduled court appearance.

Not guilty pleas are made by mail or in person at any hearing office within ten days after the issuance of the summons. No hearings are held until the time and date designated on the summons, and the hearing is conducted in the jurisdiction where the summons originated.

If a motorist feels that there are mitigating circumstances and wishes to plead "guilty with an explanation," he may go to any hearing office at his convenience any day before the date of appearance and submit his plea in person to a referee who hears only those cases. The referee can accept the plea and impose a sanction or recommend that the motorist change his plea and have a formal hearing.

All contested hearings are conducted in an informal manner with testimony taken from the police officer, the defendant, and any witnesses. The referee is not placed in the position of assuming the role of a prosecutor. A defendant is apprised of all his rights, including the right to an attorney. He may, if he wishes, appear without counsel. Plea bargaining is eliminated as the motorist must enter a plea to the charge specified on the summons; the charge cannot be reduced to one alleging a less serious violation.

Before a referee imposes a penalty against a motorist, he must first enter the finding of guilty into the computer record. A visual display terminal is available on each referee's desk. The motorist's complete driving record is made available for review and determination of appropriate penalty. The referee, however, cannot gain access to the motorist's driving record until a guilty judgment has been entered. Referees are expected to use prior records in determining appropriate sanctions. When the conviction is entered on the visual terminal, the driver's records, stored in the central computer in Albany, are automatically updated.

When a fine is imposed, the motorist is expected to pay immediately. If he cannot do so, the referee postpones execution of the sentence for two weeks. But the referee retains the permanent operator's license and issues the motorist a temporary license for the period of postponement. Upon payment of his fine, the motorist's permanent license is returned to him.

Review is a two-step process. The first appeal is to the Administrative Appeals Board. A dissatisfied motorist has thirty days from the initial decision to file an appeal. Appeal forms are available from clerks. A fee of \$10 must accompany the appeal form to cover costs. The form and fee are screened and, if found proper, passed on to the review board. The motorist also has a right to further review by the courts.

Referees do not have the power to issue warrants for the arrest of "scofflaws." To prevent scofflaws from abusing the system, the Department of Motor Vehicles applies license suspensions and renewal bans to the scofflaw's licenses. Also, if a motorist fails to respond to a summons, or fails to appear for a hearing, an immediate notice of suspension is entered by the computer and a notice thereof sent to the motorist. A suspension can only be lifted after the motorist appears at an Administrative Adjudication Bureau. If the motorist fails to comply, the computer automatically enters a license renewal ban on his driver record, making it impossible for the motorist to renew his license.

The Department of Motor Vehicles makes extensive use of electronic data processing equipment in the day-to-day operation of the program. Each hearing office is equipped with computer terminals with visual displays that provide

instant communication with the central computer in Albany. Information can be entered and received from these terminals, thus permitting flexibility in response time, generation of computerized dockets, daily auditing of adjudicatory activity in each hearing location, and instant scofflaw identification.

Appendix I. Sample
Forms Presently Used
in Handling Traffic
Matters in Maine

1. MAINE STATE POLICE
COURT OFFICERS WORK SHEET.

RESPONDENT, NAME _____ DOB. _____
STREET _____ CITY or TOWN _____
LIC. NO. _____ STATE _____ REG. NO. _____ STATE _____
SUMMONSED _____ ARRESTED _____ BAILED _____
IF BAILED, BY WHOM, _____
AMOUNT OF BAIL \$ _____ COURT APPEARANCE DATE _____

COMPLAINING OFFICER, NAME _____
PREFERRED DATES FOR TRIAL, 1 _____ 2 _____

OFFENSE & DETAILS, CHARGE _____ CHAP. & SEC. _____
DATE _____ TIME _____ CITY or TOWN _____
ROUTE _____ STREET _____ ROAD _____

COURT ACTION, PLEA, GUILTY _____ NOT GUILTY _____ NOLO _____
RESPONDENTS ATTORNEY _____
DISPOSITION _____

Appendix I.

Forms Presently Used in Handling Traffic Court Matters in Maine

State of Maine - Maine State Police

Date: _____ Time: _____ To: _____ of: _____
Place: _____ Route #: _____
Town: _____ State: _____ County: _____
You are hereby notified to appear before
The District Court at: _____, Maine
On: _____, 19 _____ at: _____ O'clock _____ M
(Date)
to answer to the charge of: _____
Alleged Speed: _____ m.p.h. Speed Limit _____ m.p.h.
Owner: _____ Officer: _____ (State Police)
Address: _____ Form 13-43

2.
Maine
State
Police
Ticket

Secretary of State
Augusta, Maine 04330

The following person was summoned to appear in _____
_____ Court on _____
at _____ M. He failed to appear in person or by counsel.
Name _____
Address _____
Date of Violation _____ Route _____
Charge _____
License No. _____ Registration No. _____
Date of Birth _____ Arresting Officer _____
Form MVCR-85 Rev. 12-68 Judge or Clerk

3.
Motor
Vehicle
Division
Notice of
Failure to
Appear in
Court

Appendix I.

Forms Presently Used in Handling Traffic Court Matters in Maine

STATE OF MAINE
ABSTRACT OF COURT RECORD OF CRIMINAL VIOLATION

DOCKET NO. _____	RESPONDENT _____		
ARRESTING OFFICER	ADDRESS NO. _____ <i>St.</i>		
	CITY or TOWN _____		
DEPARTMENT	DATE OF BIRTH _____		
	PLACE OF OFFENSE _____		
DATE OF OFFENSE _____			

DATE OF HEARING	PLEA	JUDGMENT	RESULT
I hereby certify that the foregoing is a true abstract from the records of the Court holden at _____			
Superior	<input type="checkbox"/>	ATTEST	
Municipal	<input type="checkbox"/>		
Trial Justice	<input type="checkbox"/>		Clerk
District Court	<input type="checkbox"/>		Form 13:76

4.
Motor
Vehicle
Division
Abstract

Make any recommendation court uses fit on the back of this abstract
STATE OF MAINE
ABSTRACT OF COURT RECORD OF VIOLATION OF MOTOR VEHICLE LAWS

DOCKET NO. 74-75-	ARRESTING OFFICER	RESPONDENT	
	State Police <input type="checkbox"/>	ADDRESS NO. _____ <i>ST.</i>	
	Local Officer <input type="checkbox"/>	CITY or TOWN _____	
<small>Codes - For Departmental Use Only</small>		DATE OF BIRTH _____	
Suspension	Conviction	Points	LIC. NO. _____ REG. NO. _____

DATE OF HEARING	PLEA	JUDGMENT	RESULT (SPEED ALLEGED)
I hereby certify that the foregoing is a true abstract from the records of the Court holden at _____			
IMPORTANT: Return immediately in order that prompt action may be taken in removing from the highways operators who are a menace to the public safety.			
ATTEST:			
			Clerk

Form MV CR 12 Rev. 12/63

5.
Motor
Vehicle
Division
Abstract

Appendix I.

Forms Presently Used in Handling Traffic Court Matters in Maine

6. WAIVER OF PERSONAL APPEARANCE AND PLEA OF GUILTY
(Waiver of Appearance in District Court)

Pursuant to the provisions of M.R.S.A. Title 4 Sec. 164 Sub Sec. 12 the undersigned having been summoned to appear in the Maine District Court at _____ Maine, to answer to a charge of _____ hereby waives the right to appear personally in said court and does hereby enter a plea of GUILTY and agrees to pay the fine as set by the court and indicated below.

In making this request I acknowledge that I have the right to a trial, which I hereby waive, and I acknowledge that my signature to this plea of guilty shall have the same effect as a judgment by the court and the record of conviction will be sent to the Secretary of State.

I hereby affirm that I have no previous conviction or convictions for a violation of the motor vehicle laws of the State of Maine as defined by the above Title and Section and I make this affirmation with the knowledge that a false representation as to any prior conviction or convictions can subject me to a fine of up to Fifty Dollars.

Amount of fine \$ _____

Make payment to Maine District Court, _____

Address _____

Maine _____

Personal checks can not be accepted.

Any person who has been found guilty or who has previously signed a plea of guilty to any traffic offense as defined in the above section shall not be permitted to submit a waiver and plea of guilty except by specific order of court.

The above waiver and plea of guilty can not be accepted for the following violations, but a guilty plea may be entered by a Maine Attorney by consent of the court:

- | | |
|---|---|
| (1) Driving to endanger | (9) Passing a stopped school bus |
| (2) Reckless driving | (10) Exceeding the speed limit by more than 15 miles per hour |
| (3) Recklessly causing death | (11) Loaning or altering license or permit |
| (4) Offenses resulting in accident | (12) Death caused by violation of law |
| (5) Operating while under the influence of intoxicating liquor or a narcotic drug or while impaired | (13) Leaving the scene of an accident |
| (6) Driving after suspension or revocation of operator's license | (14) Taking a motor vehicle without consent |
| (7) Operating without a license | (15) Homicide or assault committed by means of motor vehicle |
| (8) Operating an unregistered motor vehicle | (16) Failure to report an accident |
| | (17) Passing on hills and curves. |

Appendix I.

Forms Currently Used in Handling Traffic Court Matters in Maine

7. District Court Criminal Docket Sheet

M-11-68

Docket No.	No.	Respondent's Attorney	Term, 19
Complaint Justice		Appeal filed	Term, 19
State Versus		Bound Over	Term, 19
Date, Place & Offense		Bail	
Continuances		Sureties	
Date of Hearing		Witness:	
Complainant			
Officer			
Plea			
Found			
Sentence			
Amount Paid	Committed	Sentence Suspended, Probation for	
Docket No.		Respondent's Attorney	Term, 19
Complaint Justice	No.	Appeal filed	Term, 19
State Versus		Bound Over	Term, 19
Date, Place & Offense		Bail	
Continuances		Sureties	
Date of Hearing		Witness:	
Complainant			
Officer			
Plea			
Found			
Sentence			
Amount Paid	Committed	Sentence Suspended, Probation for	

Appendix J.

Facilities Observations

The buildings that house the divisions of the District Court and the nine Superior Courts vary in age, size and style. In Augusta and Bangor, the District Court facilities are new, spacious and comfortable. Augusta's District Courthouse, built in 1970, consists of two District Court rooms, as does the Bangor District Court facility. Other District Court facilities have only one courtroom and some share the courtroom of the Superior Court. Some District Courts are housed in County Court House buildings, sometimes 150 years old, with small courtrooms and inadequate waiting rooms. In Skowhegan, defendants waiting their turn in court overflow the halls into the furnace room. Skowhegan's courtroom, is, however, neat, compact, and professional in appearance. In Belfast, although the building and the courtroom are large and well kept, the waiting room for the defendants is a hallway, and attorneys must use the grand jury room for consultations. In Bath and several other communities, where both the Superior Court and the District Court occupy the same building, the halls are congested when both courts are in session. The District Courtroom in Bath is small, with only four rows of seats on each side of the aisle for spectators. These can comfortably seat only 32 people, though the court serves an area with a population of about 10,000. Some court facilities lack attorneys' rooms, and only one court had a waiting area set aside for defendants or witnesses.

In spite of the fact that many of the District Court courtrooms are in old buildings, all courtrooms are well kept and professional in appearance.

The Superior Court does not appear to have the space problem of the District Court. Its courtrooms are generally located in larger buildings. When the District Court and the Superior Court share the same building, the Superior Court's facilities appear far more adequate than those of the District Court. Without exception, each Superior Court courtroom has adequate space and presents a dignified atmosphere for the administration of justice.

NATIONAL CENTER FOR STATE COURTS

Council of State Court Representatives

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Connecticut John P. Cotter Associate Justice, Supreme Court	Missouri Fred L. Henley Judge, Supreme Court	Texas Thomas M. Reavley Associate Justice, Supreme Court
Delaware Daniel L. Herrmann Chief Justice, Supreme Court	Montana Wesley Castles Justice, Supreme Court	Utah Allan E. Mecham Admstr. and Clerk, Supreme Court
Florida James B. Ueberhorst State Courts Administrator	Nebraska Paul W. White Chief Justice, Supreme Court	Vermont Lawrence J. Turgeon Ct. Administrator, Supreme Court
Georgia To be selected	Nevada Howard W. Babcock Judge, District Court	Virginia Albertis S. Harrison, Jr. Justice, Supreme Court
Hawaii Tom T. Okuda Adm. Ser. Dir., District Courts	New Hampshire John W. King Justice, Superior Court	Washington Orris L. Hamilton Justice, Supreme Court
Idaho Charles R. Donaldson Justice, Supreme Court	New Jersey Frederick W. Hall Justice, Supreme Court	West Virginia Charles H. Haden II Chief Justice, Supreme Court of Appeals
Illinois Joseph H. Goldenhersh Justice, Supreme Court	New Mexico John B. McManus, Jr. Chief Justice, Supreme Court	Wisconsin Horace W. Wilkie Chief Justice, Supreme Court
Indiana Richard M. Givan Chief Justice, Supreme Court	New York Richard J. Bartlett State Adm. Judge	Wyoming Rodney M. Guthrie Chief Justice, Supreme Court
Iowa W. W. Reynoldson Justice, Supreme Court	North Carolina Bert M. Montague Dir., Adm. Office of the Courts	District of Columbia Gerard D. Reilly Chief Judge, Court of Appeals
Kansas David Prager Justice, Supreme Court	North Dakota William L. Paulson Associate Justice, Supreme Court	Guam Joaquin C. Perez Chief Judge, Island Court
Kentucky James S. Chenault Judge, 25th Judicial District	Ohio C. William O'Neill Chief Justice, Supreme Court	Puerto Rico Jose Trias Monge Chief Justice, Supreme Court
Louisiana John A. Dixon, Jr. Associate Justice, Supreme Court	Oklahoma William A. Berry Justice, Supreme Court	Virgin Islands Cyril Michael Presiding Judge, Municipal Court

END