

STATE OF MAINE
SUPREME JUDICIAL COURT
AMENDMENT TO THE
MAINE RULES OF CIVIL PROCEDURE

2018 Me. Rules 07
[revised August 8, 2018]

Effective: October 22, 2018

All of the Justices concurring therein, the following amendment to the Maine Rules of Civil Procedure is adopted to be effective on the date indicated above. The specific amendment is stated below. To aid in the understanding of the amendment, an Advisory Note appears after the text of the Rule amendment. The Advisory Note states the reason for the amendment, but the Advisory Note is not part of the amendment adopted by the Court.

1. Rule 80F of the Maine Rules of Civil Procedure is amended to read as follows:

RULE 80F. TRAFFIC INFRACTIONS

....

(b) Commencement of Proceeding. A proceeding under this rule is commenced by delivery of a copy of a Violation Summons and Complaint completed in the manner prescribed by subdivision (c). Such Violation Summons and Complaint may be:

....

(3) filled out by a prosecutor and delivered to the defendant personally or the defendant's attorney personally if the traffic infraction arises out of the same set of facts which gave rise to another traffic infraction or criminal complaint under the motor vehicle laws of this state. Any Violation Summons and Complaint served as provided in this paragraph (3) may be filed in the Violations Bureau by delivering it to the clerk of the division in which the infraction is alleged to have been committed or in a county in which the criminal complaint is or was pending. The clerk may receive the

defendant's answer and shall send the Violation Summons and Complaint and any answer to the Violations Bureau.

The officer delivering the Violation Summons and Complaint shall not take the defendant into custody. Within 5 days after delivery to defendant, the officer shall cause the original of the Violation Summons and Complaint to be filed with the Violations Bureau. No filing fee is required. Any Violations Summons and Complaint filed later than 10 days after delivery to the defendant will be dismissed without prejudice. All proceedings arising under a statute shall be brought in the name of the State of Maine. All proceedings arising under an ordinance shall be brought in the name and to the use of the political subdivision that enacted such ordinance.

....

(k) Default.

(1) *Entry of Default.* If the defendant fails to respond within ~~20~~ 35 days after the date of service of the Violation Summons and Complaint on the defendant, or if the defendant fails to appear at trial, the Clerk of the Violations Bureau or the Clerk's designee shall enter a default judgment and adjudicate that the defendant has committed the traffic infraction alleged. In each case, after entry of default, the Clerk or the Clerk's designee shall impose the fine from the schedule of fines established by the Chief Judge.

Advisory Note – October 2018

Rule 80F(b)(3) is amended to provide that any Violation Summons and Complaint filed later than 10 days after delivery to the defendant will be dismissed without prejudice.

The first sentence of Rule 80F(k)(1) is amended to increase the time for a defendant's response from 20 days to 35 days, measured from the date of service of the Violation Summons and Complaint on the defendant.

The effective date, which has been revised to be October 22, 2018, is designed to occur simultaneously with the "go-live" date of the Judicial Branch digital case management system for the Violations Bureau.

Dated: June 7, 2018
Revised August 8, 2018

FOR THE COURT,*

_____/s/_____
LEIGH I. SAUFLEY
Chief Justice
DONALD G. ALEXANDER
ANDREW M. MEAD
ELLEN A. GORMAN
JOSEPH M. JABAR
JEFFREY L. HJELM
THOMAS E. HUMPHREY

* This Rule Amendment Order was approved after conference of the Court, all Justices concurring therein. The Order was revised on August 8, 2018, to change the effective date from August 20, 2018, to October 22, 2018, and to update the heading to the Advisory Note accordingly.