

**PROPOSED AMENDMENT TO THE
MAINE RULES OF CIVIL PROCEDURE
PROPOSED BY THE VIOLATIONS BUREAU**

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~~ 10 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 after 10 days 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.

....

(p) Public Access to Violations Bureau Court Records. Members of the public shall have online access to data contained in individual case files maintained by the Violations Bureau consisting of the following information: (1) defendant's first and last name; (2) defendant's year of birth; (3) date of violation; (4) location of violation; (5) nature of violation; and (6) index of court proceedings. A fee may be imposed for public searches.

Information in Violations Bureau records containing a defendant's month and day of birth, physical description, address, license number, vehicle description, and vehicle registration number shall be available only to the parties, an attorney who has entered an appearance on behalf of a party, the prosecuting attorney or officer, and the Bureau of Motor Vehicles. Information shall also be excluded from public access if barred under federal or state law.