

CHAPTER 621

GENERAL PROVISIONS

§5601. Statute of limitations

1. Three-year period of limitation. A proceeding against a person for a Title 29-A traffic infraction or a Title 12 civil violation related to marine resources laws and inland fisheries and wildlife laws must be commenced within 3 years after the traffic infraction or civil violation is committed. The burden is on the defendant to prove by a preponderance of the evidence that a proceeding against a person for the traffic infraction or civil violation was commenced after the expiration of the 3-year period of limitation.

[PL 2001, c. 421, Pt. A, §1 (NEW); PL 2001, c. 421, Pt. C, §1 (AFF).]

2. Limitations on period of limitation. The period of limitation may not run:

A. During any time when the defendant is absent from the State, but in no event may this paragraph extend the period of limitation by more than 5 years; or [PL 2001, c. 421, Pt. A, §1 (NEW); PL 2001, c. 421, Pt. C, §1 (AFF).]

B. During any time when a traffic infraction or civil violation proceeding against the defendant for the same traffic infraction or civil violation based on the same conduct is pending in this State. [PL 2001, c. 421, Pt. A, §1 (NEW); PL 2001, c. 421, Pt. C, §1 (AFF).]

[PL 2001, c. 421, Pt. A, §1 (NEW); PL 2001, c. 421, Pt. C, §1 (AFF).]

3. Definitions. For purposes of this section:

A. A civil violation is committed when every definitional component of the civil violation has occurred or, if the civil violation consists of a continuing course of conduct, at the time when the course of conduct or the defendant's complicity in the course of conduct is terminated; and [PL 2001, c. 421, Pt. A, §1 (NEW); PL 2001, c. 421, Pt. C, §1 (AFF).]

B. A civil violation proceeding is commenced whenever a complaint or citation is filed. [PL 2001, c. 421, Pt. A, §1 (NEW); PL 2001, c. 421, Pt. C, §1 (AFF).]

[PL 2001, c. 421, Pt. A, §1 (NEW); PL 2001, c. 421, Pt. C, §1 (AFF).]

SECTION HISTORY

PL 2001, c. 421, §A1 (NEW). PL 2001, c. 421, §C1 (AFF).

§5602. Restitution

The court may order a person adjudicated as having committed a civil violation to pay restitution as part of the judgment. Title 17-A, chapter 69 applies to the determination, ordering, payment and enforcement of an order of restitution. [PL 2019, c. 113, Pt. C, §28 (AMD).]

SECTION HISTORY

PL 2001, c. 421, §A1 (NEW). PL 2001, c. 421, §C1 (AFF). PL 2019, c. 113, Pt. C, §28 (AMD).

§5603. License suspension

1. Grounds for suspension. A department or agency of the State may suspend a license, permit or certificate issued by that department or agency if the person holding the license, permit or certificate is convicted or adjudicated of violating a law or rule administered by that department or agency.

[PL 2001, c. 421, Pt. A, §1 (NEW); PL 2001, c. 421, Pt. C, §1 (AFF).]

2. Effective date of suspension. For violations having a minimum statutory suspension period, a suspension is effective upon conviction or adjudication and the license, permit or certificate holder

must surrender the license, permit or certificate immediately to the issuing department or agency of the State. For a violation that does not have a minimum statutory suspension period, a suspension is effective upon written notification of suspension by the department or agency. The license holder must surrender that license, permit or certificate to the department or agency upon receipt of a notice of suspension and is entitled to a hearing under subsection 3.

[PL 2001, c. 421, Pt. A, §1 (NEW); PL 2001, c. 421, Pt. C, §1 (AFF).]

3. Hearing. A person receiving a notice of suspension under subsection 2 may request a hearing on that suspension. A request for a hearing must be in writing and must be made not later than 30 days after receipt of the suspension notice required under subsection 2. The department or agency of the State that issued the suspension notice shall notify the person of the date and location of the hearing.

A. A person may present evidence at a hearing concerning the violation that might justify reinstatement of the license, permit or certificate or the reduction of the suspension period. If the person denies any of the facts contained in the record, the person has the burden of proof. [PL 2001, c. 421, Pt. A, §1 (NEW); PL 2001, c. 421, Pt. C, §1 (AFF).]

B. Decisions of the department or agency must be in writing. Except as provided in paragraph C, the department or agency may reinstate the license, permit or certificate or reduce the suspension period if the department or agency finds that the person has not been convicted or adjudicated, or that reinstatement of the license, permit or certificate or reduction of the suspension period would be in the best interests of justice. [PL 2001, c. 421, Pt. A, §1 (NEW); PL 2001, c. 421, Pt. C, §1 (AFF).]

C. The department or agency may not waive or reduce any mandatory minimum suspension period established in statute. [PL 2001, c. 421, Pt. A, §1 (NEW); PL 2001, c. 421, Pt. C, §1 (AFF).]
[PL 2001, c. 421, Pt. A, §1 (NEW); PL 2001, c. 421, Pt. C, §1 (AFF).]

4. Supplement; superseded. The authority conferred by this section is in addition to the authority a department or agency of the State has to enforce violations under other provisions of law. Statutes that provide specific authority for a department or agency to suspend or revoke a license, permit or certificate supersede this section.

This section may not be construed to create any right to a hearing when such a hearing otherwise would be within the discretion of the department or agency in accordance with law.

[PL 2001, c. 421, Pt. A, §1 (NEW); PL 2001, c. 421, Pt. C, §1 (AFF).]

SECTION HISTORY

PL 2001, c. 421, §A1 (NEW). PL 2001, c. 421, §C1 (AFF).

§5604. Monetary sanctions

1. Designation. A monetary sanction authorized by law and imposed by the court for a civil violation may be designated a "fine," "penalty," "forfeiture," "surcharge" or "assessment" or may be designated by another similar term.

[PL 2003, c. 452, Pt. X, §1 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

2. Civil violation. Use of the terminology under subsection 1 in describing a monetary sanction for a civil violation does not limit or prohibit the application of Title 17-A, section 4-B, subsection 3.

[PL 2003, c. 452, Pt. X, §1 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

SECTION HISTORY

PL 2003, c. 452, §X1 (NEW). PL 2003, c. 452, §X2 (AFF).

§5605. Community service work for a person who violates a municipal ordinance

1. Community service work. The court may order a person adjudicated as having violated a municipal ordinance to perform a specific number of hours of community service work for the benefit

of the State, a county, a municipality, a school administrative district or other public entity, a charitable institution or other entity approved by the court if the municipality whose ordinance is violated has a community service work program that provides oversight of the community service order and ensures meaningful compliance with the community service requirements.

[PL 2013, c. 114, §1 (NEW).]

2. Failure to perform work. An adjudicated person who is ordered to perform community service work pursuant to subsection 1 and who fails to complete the work within the time specified by the court must be returned to the court for further disposition.

[PL 2013, c. 114, §1 (NEW).]

3. Supervision. Neither the judicial branch nor the Department of Corrections is responsible for supervision of community service work pursuant to this section.

[PL 2013, c. 114, §1 (NEW).]

SECTION HISTORY

PL 2013, c. 114, §1 (NEW).

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