

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 548

S.P. 221

In Senate, February 12, 1991

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator EMERSON of Penobscot

Cosponsored by Senator VOSE of Washington and Representative RICHARDS of Hampden.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

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**An Act to Exempt Telephone Workers Engaged in Certain Acts from the  
Workplace Manslaughter Laws.**

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

17-A MRSA §203, sub-§1, ¶C, as amended by PL 1989, c. 873, is further amended to read:

C. Has direct and personal management or control of any employment, place of employment or other employee, and intentionally or knowingly violates any occupational safety or health standard of this State or the Federal Government, and that violation in fact causes the death of an employee and that death is a reasonably foreseeable consequence of the violation. This paragraph does not apply to:

(1) Any person who performs a public function either on a volunteer basis or for minimal compensation for services rendered; or

(2) Any public employee responding to or acting at a life-threatening situation who is forced to make and does make a judgment reasonably calculated to save the life of a human being; or

(3) Any employee of a telephone utility who installs, maintains or restores utility services during either emergency or routine situations.

#### STATEMENT OF FACT

This bill amends the workplace manslaughter provision of the Maine Criminal Code to exclude any employee of a telephone utility whose work involves installing, maintaining or restoring utility services.