

MAINE STATE LEGISLATURE

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New Draft of: S. P. 422, L. D. 1388

ONE - HUNDRETH LEGISLATURE

Legislative Document

No. 1545

S. P. 521

In Senate, April 13, 1961

Reported by Senator Boardman of Washington from Committee on Judiciary.
Printed under Joint Rules No. 10.

CHESTER T. WINSLOW, Secretary

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-ONE

AN ACT Relating to Reckless Homicide, and Death Caused by Violation of Law,
by Vehicle Operator.

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

Sec. 1. R. S., c. 22, § 151-B, amended. Section 151-B of chapter 22 of the Revised Statutes, as enacted by section 2 of chapter 333 of the public laws of 1957, is amended to read as follows:

Sec. 151-B. Recklessly causing death of a person; license revoked. Any person who ~~drives~~ **operates** a vehicle with reckless disregard for the safety of others and thereby causes the death of another person, when the death of such person results within one year, shall be guilty of the offense of reckless homicide. Any person convicted of reckless homicide shall be punished by a fine of not less than ~~\$100 nor~~ more than \$1,000, or by imprisonment for not less than ~~30 days nor~~ more than ~~11~~ **5** years, or by both. ~~Reckless disregard for the safety of others as used in this section shall mean one's conduct is in reckless disregard for the safety of another if he intentionally does an act or fails to do an act which it is his duty to the other to do, knowing or having reason to know of facts which would lead a reasonable man to realize that his conduct not only creates an unreasonable risk of bodily harm to the other but also involves a high degree of probability that substantial harm will result to the other.~~ The license of any person convicted of violating the provisions of this section shall be revoked immediately by the Secretary of State upon receipt of an attested copy of the court records, without further hearing. In case of an appeal, the license shall be suspended during the course of the appeal unless the trial court shall otherwise order, or unless the Secretary of State, after a hearing, shall restore the license or permit pending decision on the appeal and

the revocation shall start when and if the conviction is upheld. No person whose license or permit to operate a motor vehicle has been so revoked shall be licensed again or permitted to operate a motor vehicle for a period of ~~3~~ 5 years from the time such license is revoked, except that after ~~one year~~ **3 years have** elapsed from the date of such revocation, the Secretary of State ~~shall~~ **may** restore such license or permit with or without conditions or restrictions.

All prosecutions ~~under~~ **for violation** of this section shall be conducted by the county attorney or the assistant county attorney.'

Sec. 2. R. S., c. 22, § 151-C, additional. Chapter 22 of the Revised Statutes is amended by adding a new section to be numbered 151-C to read as follows:

'**Sec. 151-C. Death caused by violation of law.** Any person who operates a motor vehicle in violation of law, other than a violation of chapter 22, section 151-B, and under such circumstances that the violation of law causes the death of another person, when the death of such person results within one year, shall be guilty of a criminal offense. Any person convicted of such an offense shall be punished by a fine of not less than \$100 nor more than \$1,000, or by imprisonment for not less than 30 days nor more than 11 months, or by both. The license of any person convicted of violating this section shall be revoked immediately by the Secretary of State upon receipt of an attested copy of the court records, without further hearing. In case of an appeal, the license shall be suspended during the course of the appeal unless the trial court shall otherwise order, or unless the Secretary of State, after a hearing, shall restore the license or permit pending decision on the appeal and the revocation shall start when and if the conviction is upheld. No person whose license or permit to operate a motor vehicle has been so revoked shall be licensed again or permitted to operate a motor vehicle for a period of 3 years from the time such license is revoked, except that after two years have elapsed from the date of such revocation, the Secretary of State may restore such license or permit with or without conditions or restrictions.'

Sec. 3. R. S., c. 130, § 8, amended. Section 8 of chapter 130 of the Revised Statutes is amended to read as follows:

'**Sec. 8. Manslaughter, definition.**—Whoever unlawfully kills a human being in the heat of passion, on sudden provocation, without express or implied malice aforethought, or, being under the legal duty to care and provide for any child or other person, willfully fails or neglects to provide for such child or other person necessary food, clothing, treatment for the sick or other necessaries of life, thereby causing or hastening the death of such child or other person, or commits manslaughter as defined by the common law, shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 20 years, **except that if there is a violation of chapter 22, sections 151-B or 151-C, no prosecution for manslaughter shall lie.**'