MAINE STATE LEGISLATURE

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114th WAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2423

H.P. 1758

House of Representatives, March 12, 1990

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

Reference to the Committee on Judiciary suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative TRACY of Rome.
Cosponsored by Senator BUSTIN of Kennebec, Representative NUTTING of Leeds and Representative PARADIS of Augusta.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND NINETY

An Act to Clarify the Laws on Manslaughter in the Workplace.

(AFTER DEADLINE)

(EMERGENCY)



	Emergency preamble. Whereas, Acts of the Legislature do not
2	become effective until 90 days after adjournment unless enacted as emergencies; and
4	Whereas, unless this legislation is enacted as an emergency
6	measure, certain public employees or persons performing a public service may be held criminally liable for performing that public
8	service or responding to a life-threatening situation; and
10	Whereas, in the judgment of the Legislature, these facts
	create an emergency within the meaning of the Constitution of
12	Maine and require the following legislation as immediately
	necessary for the preservation of the public peace, health and
14	safety; now, therefore,
16	Be it enacted by the People of the State of Maine as follows:
18	17-A MRSA §203, sub-§1, ¶C, as enacted by PL 1989, c. 505, §1, is amended to read:
20	
	C. Has direct and personal management or control of any
22	employment, place of employment or other employee, and
	intentionally or knowingly violates any occupational safety
24	or health standard of this State or the Federal Government,
	and that violation in fact causes the death of an employee
26	and that death is a reasonably foreseeable consequence of
28	the violation. This paragraph does not apply to:
20	(1) Any person who performs a public function either
30	on a volunteer basis or for minimal compensation for
•	services rendered; and
32	00272000 20110020017 01100
	(2) Any public employee responding to a
34	life-threatening situation who is forced to make and
	does make a judgment reasonably calculated to save the
36	life of a human being.
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38	Emergency clause. In view of the emergency cited in the
	preamble, this Act takes effect when approved.
40	
42	STATEMENT OF FACT
44	This bill amends the workplace manslaughter provision of the
	Maine Criminal Code to clarify that it does not apply to any
46	person performing a public function as a volunteer or for minimal compensation or to public employees in life-threatening
48	situations who make judgments reasonably calculated to save lives.