

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

R & S.

"A"

L.D. 396

2

DATE: 5/5/95

(Filing No. H- 212)

4

REPORT "A"

6

JUDICIARY

8

10 Reproduced and distributed under the direction of the Clerk of
12 the House.

12

14

STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
16 FIRST REGULAR SESSION

18

20 COMMITTEE AMENDMENT "A" to H.P. 292, L.D. 396, Bill, "An
22 Act to Amend the Laws Governing Wrongful Death Caused by Truck
24 Drivers"

22

24 Amend the bill by striking out everything after the enacting
26 clause and before the statement of fact and inserting in its
28 place the following:

26

28 'Sec. 1. 29-A MRSA §558, sub-§1, as enacted by PL 1993, c.
30 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

30

32 1. Violation. A person commits a Class E crime if that
34 person violates or knowingly permits a violation of this
36 subchapter or a rule adopted pursuant to this subchapter. The
38 violation is a Class C crime if:

34

36 A. The violation is knowing or intentional;

36

38 B. The violation in fact causes either death or serious
40 bodily injury, as defined in Title 17-A, section 2, to a
42 person whose health or safety is protected by the provision
44 violated; and

40

42 C. The death or injury is a reasonably foreseeable
44 consequence of the violation.'

44

46 Further amend the bill by inserting at the end before the
statement of fact the following:

46

R. & S.

2
4
6
8
10
12
14
16
18
20
22
FISCAL NOTE

This bill establishes a new Class C crime. Sentences of more than 12 months imposed for Class C crimes must be served in a state correctional institution. The cost to the State per sentence is \$48,584 based upon an average length of stay of one year and 9 months. The State also must reimburse counties for sentences served in county jails of 12 months or less for Class C crimes.

The Judicial Department may require additional General Fund appropriations to cover indigent defense costs related to these new cases. The amounts can not be estimated at this time. The additional workload and administrative costs associated with the minimal number of new cases filed in the court system can be absorbed within the budgeted resources of the Judicial Department. The collection of additional fines may also increase General Fund revenue by minor amounts.'

24
26
28
30
32
34
STATEMENT OF FACT

This is the majority report. This amendment replaces the bill. It creates a new Class C crime covering situations in which a federal trucking regulation adopted by rule by the State Police is intentionally or knowingly violated, the violation in fact causes a death or serious bodily injury, and the death or serious bodily injury is a foreseeable result of the violation. The person killed or injured must be a person whose health or safety is protected by the rule that was violated. This provision applies to truck operators, supervisors and truck companies who violate the rules or who knowingly permit the violation of the rules.