

MAINE STATE LEGISLATURE

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R 018

L.D. 396

DATE: 5/5/95

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Report "C"
JUDICIARY

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

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

Amend the bill in section 1 in subsection 1, by striking out all of paragraph D (page 1, lines 40 to 45 in L.D.) and inserting in its place the following:

'D. Is the operator or a person who has management or control of the operator of a vehicle that is subject to the regulations in 49 Code of Federal Regulations, Part 395 and who intentionally or knowingly violates or causes the violation of a regulation in 49 Code of Federal Regulations, Part 395 and that violation in fact causes the death of another human being.'

Further amend the bill by striking out all of sections 3 and 4.

Further amend the bill in section 6 in subsection 1-A, in the 5th to 7th lines (page 3, lines 12 to 14 in L.D.) by striking out the following: ", and in addition to any other penalty that may attach, the commercial vehicle must be impounded for a period of 7 calendar days." and inserting in its place the following: 'In addition to any other penalties, the Secretary of State shall suspend for at least 30 days the commercial operator's license of a person who violates a state rule that adopts by reference the federal regulations found in 49 Code of Federal Regulations, Part 395, 3 or more times in any 12-month period.'

COMMITTEE AMENDMENT

R. G. S.

2 Further amend the bill by relettering or renumbering any
nonconsecutive Part letter or section number to read
4 consecutively.

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

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FISCAL NOTE

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

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This bill increases a Class E crime to a Class D crime. If
20 a jail sentence is imposed, the additional costs to the counties
are estimated to be \$83.22 per day for each offender. These
22 costs are not reimbursed by the State. The number of
prosecutions that may result in a jail sentence and the resulting
24 costs to the county jail system are expected to be insignificant.

26

The Judicial Department may require additional General Fund
28 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
30 minimal number of new cases filed in the court system can be
absorbed within the budgeted resources of the Judicial
32 Department. The collection of additional fines may also increase
General Fund revenue by minor amounts.

34

The additional costs to suspend commercial operating
36 licenses of drivers with 3 or more violations of specified
federal regulations can be absorbed by the Bureau of Motor
38 Vehicles within the Department of the Secretary of State
utilizing existing budgeted resources. The collection of
40 additional reinstatement fees will increase Highway Fund revenue
by minor amounts.'

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STATEMENT OF FACT

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This is a minority report. This amendment rewrites the
manslaughter provision governing truck drivers and their
48 supervisors. It creates a Class C crime of manslaughter for
operators or supervisors of operators who intentionally or
50 knowingly violate a federal regulation governing hours of service
and record keeping, and that violation in fact causes a person's
52 death.

R. O. S.

COMMITTEE AMENDMENT "B" to H.P. 292, L.D. 396

2 This amendment deletes sections 3 and 4 of the bill.

4 This amendment revises section 6 of the bill to delete the
6 provisions concerning impoundment of vehicles. It instead
8 requires the Secretary of State to suspend the commercial
operating license of a driver who has 3 or more violations of the
hours of service or record-keeping regulations within a 12-month
period. The suspension must be for at least 30 days.

COMMITTEE AMENDMENT