

# 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)



# 117th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1996

---

Legislative Document

No. 1861

H.P. 1356

House of Representatives, March 19, 1996

**An Act to Make All Cases of Vehicular Manslaughter Class A Crimes.**

(AFTER DEADLINE)

---

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.  
Reference to the Committee on Criminal Justice suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative POVICH of Ellsworth.  
Cosponsored by Representatives: BUNKER of Kossuth Township, CLARK of Millinocket,  
McALEVEY of Waterboro, REED of Dexter.

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

4 **Sec. 1. 17-A MRSA §203, sub-§3, ¶A,** as repealed and replaced  
by PL 1989, c. 872, §1, is repealed.

6  
8 **STATEMENT OF FACT**

10 This bill repeals the Maine Revised Statutes, Title 17-A,  
12 section 203, subsection 3, paragraph A, which provides a defense  
to a prosecution of a manslaughter based upon the reckless or  
14 criminally negligent operation of a motor vehicle. This  
provision reduces manslaughter based upon the criminally  
negligent operation of a motor vehicle to a Class B crime. The  
16 defense is available under current law when the death of the  
victim resulted from conduct that would otherwise be defined only  
18 as a civil violation or civil infraction.

20 Because of the existence of Title 17-A, section 203,  
subsection 3, paragraph A, the court in State v. Berube, 669 A.2d  
22 170 (Me. 1995) vacated a Class A manslaughter conviction and the  
12-year sentence that had been imposed. This bill overrules  
24 State v. Berube to the extent that it makes all vehicular  
homicides a Class A crime.  
26