

MAINE STATE LEGISLATURE

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R. O. S.

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "B" to H.P. 541, L.D. 732, Bill, "An Act to Amend the Laws of Murder and Manslaughter to Include the Death of a Fetus"

Amend the bill in section 1 in that part designated "~~§222.~~" in subsection 2 by striking out all of paragraph B (page 1, lines 36 to 38 in L.D.) and inserting in its place the following:

'B. Medical or other health care acts or omissions of a health care provider or health care practitioner licensed, registered or certified in this State.'

Further amend the bill in section 1 in that part designated "~~§223.~~" in subsection 2 by striking out all of paragraph B (page 2, lines 21 to 23 in L.D.) and inserting in its place the following:

'B. Medical or other health care acts or omissions of a health care provider or health care practitioner licensed, registered or certified in this State.'

Further amend the bill in section 1 in that part designated "~~§224.~~" in subsection 2 by striking out all of paragraph B (page 2, lines 43 to 45 in L.D.) and inserting in its place the following:

'B. Medical or other health care acts or omissions of a health care provider or health care practitioner licensed, registered or certified in this State.'

Further amend the bill in section 1 in that part designated "~~§224.~~" by striking out all of subsection 3.

COMMITTEE AMENDMENT

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2 Further amend the bill in section 1 in that part designated
"§224." by renumbering the subsection to read consecutively.

4 Further amend the bill in section 1 in that part designated
"§225." in subsection 2 by striking out all of paragraph B (page
6 3, lines 19 to 21 in L.D.) and inserting in its place the
following:

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10 'B. Medical or other health care acts or omissions of a
health care provider or health care practitioner licensed,
registered or certified in this State.'

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14 Further amend the bill in section 1 in that part designated
"§226." in subsection 2 by striking out all of paragraph B (page
16 3, lines 41 to 43 in L.D.) and inserting in its place the
following:

18 'B. Medical or other health care acts or omissions of a
health care provider or health care practitioner licensed,
20 registered or certified in this State.'

22 Further amend the bill by inserting at the end before the
summary the following:

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26 **FISCAL NOTE**

28 This bill may increase prosecutions for Murder and Class A,
C and D crimes. The additional costs that may be incurred by
30 state correctional institutions and county jails can not be
estimated at this time.

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34 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
36 additional workload and administrative costs associated with the
minimal number of new cases filed in the court system can be
38 absorbed within the budgeted resources of the Judicial
Department. The collection of additional fines may also increase
40 General Fund revenue by minor amounts.'

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SUMMARY

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46 This amendment is the minority report. This amendment
revises the medical care exception to the new crimes based on the
48 death of or injury to a fetus. A health care practitioner or
health care provider is not subject to criminal prosecution for
any of these crimes on the basis of any medical or other health
50 care acts or omissions. This eliminates

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2 vagueness regarding whether a particular act is pursuant to usual
and customary standards of medical practice.

4 The bill proposed a reduction in the severity of the crime
of involuntary manslaughter of a fetus when based on the reckless
6 or criminally negligent operation of a motor vehicle. The Maine
Criminal Code contained a similar reduction for vehicular
8 homicide until the enactment of Public Law 1997, chapter 34.
This amendment removes that provision to provide consistency with
10 the recent changes to the Maine Criminal Code.

COMMITTEE AMENDMENT