

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)



120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1343

H.P. 1006

House of Representatives, March 5, 2001

**An Act to Increase the Penalties for Criminal Speeding and Operating
After Suspension.**

Reference to the Committee on Criminal Justice suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative BAKER of Bangor. (By Request)
Cosponsored by Senator LEMONT of York and
Representatives: BROOKS of Winterport, McDONOUGH of Portland, WHEELER of
Bridgewater, WHEELER of Eliot, Senators: FERGUSON of Oxford, McALEVEY of York,
MITCHELL of Penobscot, SAVAGE of Knox.

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

2
4 **Sec. 1. 17-A MRSA §203, sub-§1, ¶B**, as amended by PL 1989, c.
505, §1, is further amended to read:

6 B. Intentionally or knowingly causes the death of another
7 human being under circumstances ~~which~~ that do not constitute
8 murder because the person causes the death while under the
9 influence of extreme anger or extreme fear brought about by
10 adequate provocation. Adequate provocation has the same
11 meaning as in section 201, subsection 4. The fact that the
12 person causes the death while under the influence of extreme
13 anger or extreme fear brought about by adequate provocation
14 constitutes a mitigating circumstance reducing murder to
15 manslaughter and need not be proved in any prosecution
16 initiated under this subsection; ~~or~~

18 **Sec. 2. 17-A MRSA §203, sub-§1, ¶C**, as amended by PL 1989, c.
19 873, is further amended to read:

20 C. Has direct and personal management or control of any
21 employment, place of employment or other employee, and
22 intentionally or knowingly violates any occupational safety
23 or health standard of this State or the Federal Government,
24 and that violation in fact causes the death of an employee
25 and that death is a reasonably foreseeable consequence of
26 the violation. This paragraph does not apply to:

27 (1) Any person who performs a public function either
28 on a volunteer basis or for minimal compensation for
29 services rendered; or

30 (2) Any public employee responding to or acting at a
31 life-threatening situation who is forced to make and
32 does make a judgment reasonably calculated to save the
33 life of a human being; or

34 **Sec. 3. 17-A MRSA §203, sub-§1, ¶D** is enacted to read:

35 D. While operating a motor vehicle 20 miles per hour or
36 more above the speed limit, causes the death of another
37 human being.

38 **Sec. 4. 17-A MRSA §211-A** is enacted to read:

39 **§211-A. Reckless conduct with a motor vehicle**

40 1. A person is guilty of reckless conduct with a motor
41 vehicle if that person, while operating a motor vehicle 20 miles

2 per hour or more above the speed limit, causes serious bodily
3 injury to another person.

4 2. Reckless conduct is a Class D crime.

6 **Sec. 5. 29-A MRSA §2074, sub-§3**, as amended by PL 1995, c.
7 584, Pt. B, §8, is further amended to read:

8
9 **3. Criminal offense.** A person commits a Class E crime if
10 that person operates a motor vehicle at a speed that exceeds the
11 maximum rate of speed by ~~30~~ 20 miles per hour or more.

12
13 The complaint for a violation of a speed limit must specify the
14 speed at which the defendant is alleged to have operated a motor
15 vehicle.

16
17 **Sec. 6. 29-A MRSA §2412-A, sub-§1**, as amended by PL 1999, c.
18 743, §5, is further amended to read:

19
20 **1. Offense; penalty.** A person commits a Class E offense if
21 that person operates a motor vehicle on a public way or in a
22 parking area when that person's license has been suspended or
23 revoked, and that person:

24
25 A. Has received written notice of a suspension or
26 revocation from the Secretary of State or a court;

27
28 B. Has been orally informed of the suspension or revocation
29 by a law enforcement officer or a court;

30
31 C. Has actual knowledge of the suspension or revocation;

32
33 D. Has been sent written notice in accordance with section
34 2482 or former Title 29, section 2241, subsection 4; or

35
36 E. Has failed to answer, pay a fine or appear in court
37 pursuant to a notice or order specified in section 2605 or
38 2608.

39
40 A person who commits a violation of this subsection must be
41 sentenced to a minimum term of 45 days' imprisonment.

44 SUMMARY

45
46 Current law specifies that a person is guilty of
47 manslaughter, a Class A crime, if that person recklessly or with
48 criminal negligence causes the death of another human being.

2 This bill specifies that a person commits manslaughter if
the person operates a motor vehicle 20 miles per hour or more
above the speed limit and causes the death of another person.
4 This bill also changes the crime of criminal speeding to reduce
the threshold to 20 miles per hour or more above the speed limit,
6 instead of the current 30 miles per hour or more above the speed
limit. The bill enacts a new crime of reckless conduct with a
8 motor vehicle, a Class D crime, if someone causes serious bodily
injury to another while operating a motor vehicle at 20 miles per
10 hour or more above the speed limit.

12 Finally, this bill requires that a person operating a motor
vehicle after that person's license has been suspended or
14 revoked, currently a Class E crime, must be sentenced to a
minimum of 45 days in jail.
16