

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)



123rd MAINE LEGISLATURE

SECOND REGULAR SESSION-2008

Legislative Document

No. 1948

H.P. 1384

House of Representatives, December 18, 2007

**An Act To Require a Hearing When a Fatality Results from a Motor
Vehicle Accident**

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 17, 2007. Referred to the Committee on Transportation pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative WHEELER of Kittery.
Cosponsored by Senator BOWMAN of York and
Representatives: CAMPBELL of Newfield, FAIRCLOTH of Bangor, FISHER of Brewer,
HANLEY of Gardiner, HILL of York, KOFFMAN of Bar Harbor, PINGREE of North Haven,
Senator: BRYANT of Oxford.

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

2 **Sec. 1. 29-A MRSA §2251, sub-§4-A** is enacted to read:

3 **4-A. Hearing.** Following the receipt of a report of an investigation of an accident
4 that results in death transmitted pursuant to subsection 4, paragraph B, the Chief of the
5 State Police shall immediately transmit the report and all available information to the
6 Secretary of State. The Secretary of State shall conduct a hearing within 30 days of
7 receipt of the report to determine the cause of the accident and whether a driver of a
8 motor vehicle involved in the accident was at fault. Facts verified at the hearing may be
9 used by the Secretary of State in determining whether to suspend or revoke the license of
10 a driver of a motor vehicle involved in an accident involving a human fatality. The
11 hearing must be conducted in accordance with the procedures specified in section 2484.
12 A person whose license is suspended or revoked or other party may, within 30 days after
13 receipt of the decision, appeal to the Superior Court as provided in Title 5, sections 11001
14 to 11008. If the court rescinds the suspension, it shall also order the Secretary of State to
15 delete any record of the suspension.

16 **Sec. 2. Review of motor vehicle accidents involving death; report.** The
17 Chief of the State Police shall transmit to the Secretary of State all reports and available
18 information regarding any motor vehicle accident that involved a human fatality during
19 calendar year 2007. The Secretary of State shall review all reports and pertinent
20 information and obtain any other information necessary to the review. Following the
21 review, the Secretary of State shall report to the joint standing committee of the
22 Legislature having jurisdiction over transportation matters any changes in the law the
23 Secretary of State determines necessary to protect the public from such accidents. The
24 Secretary of State shall submit the report, along with any necessary implementing
25 legislation, to the joint standing committee by January 15, 2009. The joint standing
26 committee may submit a bill to the First Regular Session of the 124th Legislature
27 regarding the recommendations of the Secretary of State.

28 **SUMMARY**

29 This bill requires the Secretary of State to conduct a hearing regarding all motor
30 vehicle accidents involving a human fatality. Facts obtained at the hearing may be used
31 by the Secretary of State to suspend or revoke the license of a driver involved in the
32 accident. As in the current law regarding administrative suspensions, a person whose
33 license is suspended or revoked may appeal the decision of the Secretary of State to the
34 Superior Court.

35 This bill also requires the Secretary of State to review all motor vehicle accidents that
36 involved a human fatality in 2007 to determine whether any changes to the law are
37 necessary to reduce or prevent such accidents. The Secretary of State is required to
38 submit its findings to the joint standing committee of the Legislature having jurisdiction
39 over transportation matters for consideration during the First Regular Session of the 124th
40 Legislature.