

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 42

S.P. 22

In Senate, January 10, 2017

An Act To Deter the Dealing of Dangerous Drugs

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

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator CYRWAY of Kennebec.
Cosponsored by Representative NADEAU of Winslow and
Senators: DAVIS of Piscataquis, DIAMOND of Cumberland, DOW of Lincoln, JACKSON of
Aroostook, VOLK of Cumberland, Representatives: BRADSTREET of Vassalboro, TUELL of
East Machias, WOOD of Greene.

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

2 **Sec. 1. 17-A MRSA §203, sub-§1**, as amended by PL 2001, c. 383, §9 and
3 affected by §156, is further amended to read:

4 1. A person is guilty of manslaughter if that person:

5 A. Recklessly, or with criminal negligence, causes the death of another human being.
6 Violation of this paragraph is a Class A crime;

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

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

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

23 (2) Any public employee responding to or acting at a life-threatening situation
24 who is forced to make and does make a judgment reasonably calculated to save
25 the life of a human being.

26 Violation of this paragraph is a Class C crime; ~~or~~

27 D. Trafficks in a drug with or furnishes a drug to another person in violation of
28 chapter 45 and the other person dies as a result of injecting, inhaling or ingesting the
29 drug. It is not a defense to a prosecution under this paragraph that the decedent
30 contributed to the decedent's death by the decedent's purposeful, knowing, reckless or
31 negligent injection, inhalation or ingestion of the drug or by the decedent's consenting
32 to the administration of the drug by another. Violation of this paragraph is a Class A
33 crime.

34 **SUMMARY**

35 This bill makes the illegal trafficking in a drug with or furnishing of a drug to a
36 person when the injection, inhalation or ingestion of the drug by that person causes death
37 a Class A crime of manslaughter.