

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 1111

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H.P. 815

House of Representatives, March 5, 2019

### **An Act Regarding Driver's License Suspensions for Criminal Negligence**

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Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative PICKETT of Dixfield.  
Cosponsored by Senator DESCHAMBAULT of York and  
Representatives: COREY of Windham, COSTAIN of Plymouth, DILLINGHAM of Oxford,  
JOHANSEN of Monticello, MORALES of South Portland, STEWART of Presque Isle,  
WARREN of Hallowell, Senator: ROSEN of Hancock.

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

2 **Sec. 1. 29-A MRSA §2458, sub-§2-A**, as amended by PL 2015, c. 13, §1, is  
3 further amended to read:

4 **2-A. Minimum suspension for negligent operation.** The Secretary of State  
5 without preliminary hearing shall suspend for a period of at least 3 years a person's  
6 license if the Secretary of State, based on the Secretary of State's records or other  
7 sufficient evidence, finds that person to have ~~negligently~~ operated a motor vehicle with  
8 criminal negligence in a manner so as to cause the death of another person. ~~Prior to the~~  
9 ~~determination and issuance of the suspension, the Secretary of State shall notify any~~  
10 ~~family of the victim and shall consider written or oral statements received from the family~~  
11 ~~in response to the notice.~~ Upon suspending the person's license, the Secretary of State  
12 shall notify that person of an opportunity for hearing as provided in section 2483. If a  
13 person whose license is suspended under this subsection requests a hearing, the  
14 suspension is stayed pursuant to section 2483. In making a finding under this subsection,  
15 the Secretary of State shall apply the definition of "causation" in Title 17-A, section 33.  
16 As used in this subsection, "criminal negligence" has the same meaning as in Title 17-A,  
17 section 35, subsection 4.

18 **SUMMARY**

19 This bill makes the following changes to the laws governing the suspension of a  
20 driver's license of a person who negligently operates a motor vehicle in a manner so as to  
21 cause the death of another person.

22 1. It removes the requirement that prior to the suspension, the Secretary of State  
23 notify any family of the victim and consider written or oral statements received from the  
24 family in response to the notice.

25 2. It requires the Secretary of State to find that the person whose license is to be  
26 suspended operated a motor vehicle with criminal negligence as described in the Maine  
27 Criminal Code.

28 3. It requires the Secretary of State to find that the person whose license is to be  
29 suspended caused the death of another person and to base that finding on the definition of  
30 "causation" in the Maine Criminal Code.