

MAINE STATE LEGISLATURE

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N I N E T Y - E I G H T H L E G I S L A T U R E

Legislative Document

No. 1548

H. P. 1078

House of Representatives, May 1, 1957.

Reported by Minority from Committee on Judiciary. Printed under Joint Rules No. 10.

HARVEY R. PEASE, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-SEVEN

AN ACT Relating to Negligently Operating a Motor Vehicle so as to Cause Death.

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

Sec. 1. R. S., c. 22, § 151, amended. The last sentence of section 151 of chapter 22 of the Revised Statutes is hereby amended to read as follows:

'For the purposes of ~~this section and of section~~ sections 150, 151 and 151-B, a person shall be deemed to have been convicted if he pleaded guilty or nolo contendere or was adjudged or found guilty by a court of competent jurisdiction, whether or not he was placed on probation without sentence or under a suspended sentence or the case was placed on file or on special docket.'

Sec. 2. R. S., c. 22, § 151-B, additional. Chapter 22 of the Revised Statutes is hereby amended by adding thereto a new section to be numbered 151-B, to read as follows:

'**Sec. 151-B. Negligently or carelessly causing death of a person; license revoked.** Any person who drives a vehicle with reckless disregard for the safety of others and thereby causes the death of another person, when the death of such person results within one year, shall be guilty of the offense of reckless homicide. Any person convicted of reckless homicide shall be punished by a fine of not less than \$100 nor more than \$1,000, or by imprisonment for not less than 30 days nor more than 11 months, or both. Reckless disregard for the safety of others as used in this section shall mean one's conduct is in reckless disregard for the safety of another if he intentionally does an act or fails to do an act which it is his duty to the other to do, knowing or having reason to know of facts which would lead a reasonable man to realize that his conduct not only

creates an unreasonable risk of bodily harm to the other but also involves a high degree of probability that substantial harm will result to the other. The license of any person convicted of violating the provisions of this section shall be revoked immediately by the Secretary of State upon receipt of an attested copy of the court records, without further hearing. In case of an appeal, the license shall be suspended during the course of the appeal unless the trial court shall otherwise order, or unless the Secretary of State, after a hearing, shall restore the license or permit pending decision on the appeal and the revocation shall start when and if the conviction is upheld. No person whose license or permit to operate a motor vehicle has been so revoked shall be licensed again or permitted to operate a motor vehicle for a period of 3 years from the time such license is revoked.'