

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Ninety-eighth Legislature

OF THE

STATE OF MAINE

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STATE OF MAINE

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by virtue of a proper power of attorney given for the purpose, although no power of attorney authorizing such agent or attorney thereto shall appear of record, and the records thereof are validated. In all cases in which an executor, administrator, guardian or conservator or trustee, master or receiver or similar officer has been authorized or ordered by a court of probate or other competent court to sell or exchange real estate and has sold or exchanged such real estate, or any interest therein in accordance with such authority, without first having filed a bond covering the faithful administration and distribution of the avails of such sale when such bond is required by law or has failed to comply with any other prerequisite for the issuance of the license authorizing such sale, or exchange, and has given a deed thereof to the purchaser of the same or to the person with whom such exchange was authorized or ordered; or where such executor, administrator, guardian, conservator, trustee, master or receiver, or other similar officer, appointed as aforesaid, has acted in such capacity under a decree of any such court appointing him to such office, but which such decree of appointment erroneously or by inadvertence excused him from giving bond in such capacity when such bond is required by law and not in fact given, such deeds and acts heretofore done are validated.'

Effective August 28, 1957

Chapter 333

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 by 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, except that after one year has elapsed from the date of such revocation, the Secretary of State shall restore such license or permit with or without conditions or restrictions.

All prosecutions under this section shall be conducted by the county attorney or the assistant county attorney.'

Effective August 28, 1957

Chapter 334

AN ACT Relating to Municipal Court and Trial Justice Court Costs and Fines.

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

Sec. 1. R. S., c. 15, § 5, amended. The last sentence of section 5 of chapter 15 of the Revised Statutes is hereby amended to read as follows:

'Whenever any fines or penalties are imposed by any court other than trial justice or municipal courts in any proceeding in which a member of the State Police is a complainant or a witness, said court may tax costs for such complainant or witness in the usual manner.'

Sec. 2. R. S., c. 22, § III, amended. The 1st sentence of section III of chapter 22 of the Revised Statutes, as amended by chapter 366 of the public laws of 1955, is hereby further amended to read as follows:

'Any person who violates any provision of section 109 shall be guilty of a misdemeanor on account of each such violation, and for each violation of which convicted shall be punished by a fine and, except before trial justice and municipal courts, costs of court which fine and costs of court shall not be suspended. ef

Trial justice and municipal courts shall, instead of sentencing a respondent to pay costs, impose a fine upon each conviction \$10 larger than hereinafter provided in this section. Five dollars of any such fine collected shall be retained by the county and the balance paid by the county to the State Highway Commission. The following fines and costs shall otherwise be imposed:

\$20 and costs of court when the gross weight is in excess of the limits prescribed in section 109, provided such excess is intentional and is 1,000 pounds or over but less than 2,000 pounds, and the above provision as to intent shall apply only to such excess as is less than 2,000 pounds;