

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundredth Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the One Hundredth Legislature

1961

Chapter 262

AN ACT Relating to Reckless Homicide, and Death Caused by Violation of Law, by Vehicle Operator.

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

Sec. 1. R. S., c. 22, § 151-B, amended. Section 151-B of chapter 22 of the Revised Statutes, as enacted by section 2 of chapter 333 of the public laws of 1957, is amended to read as follows:

'Sec. 151-B. Recklessly causing death of a person; license revoked. Any person who ~~drives~~ operates 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 month~~ 5 years, 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~~ 5 years from the time such license is revoked, except that after ~~one year~~ ~~has~~ 3 years have elapsed from the date of such revocation, the Secretary of State ~~shall~~ may restore such license or permit with or without conditions or restrictions.

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

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

'Sec. 151-C. Death caused by violation of law. Any person who operates a motor vehicle in violation of law, other than a violation of chapter 22, section 151-B, and under such circumstances that the violation of law causes the death of another person, when the death of such person results within one year, shall be guilty of a criminal offense. Any person convicted of such an offense 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. The license of any person convicted of violating 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 two years have elapsed from the date of such revocation, the Secretary of State may restore such license or permit with or without conditions or restrictions.'

Sec. 3. R. S., c. 130, § 8, amended. Section 8 of chapter 130 of the Revised Statutes is amended to read as follows:

'Sec. 8. Manslaughter, definition. Whoever unlawfully kills a human being in the heat of passion, on sudden provocation, without express or implied malice aforethought, or, being under the legal duty to care and provide for any child or other person, willfully fails or neglects to provide for such child or other person necessary food, clothing, treatment for the sick or other necessities of life, thereby causing or hastening the death of such child or other person, or commits manslaughter as defined by the common law, shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 20 years, except that if there is a violation of chapter 22, sections 151-B or 151-C, no prosecution for manslaughter shall lie.'

Effective September 16, 1961

Chapter 263

AN ACT Relating to Number of Members of Superintending School Committees.

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

R. S., c. 41, § 45, repealed and replaced. Section 45 of chapter 41 of the Revised Statutes, as amended by section 22-A of chapter 364 of the public laws of 1957, is repealed and the following enacted in place thereof:

'Sec. 45. Superintending school committee. Every town not included in a school administrative district shall choose by ballot at its annual meeting a superintending school committee of 3 to hold office as provided in section 46 and shall fill vacancies arising therein at each subsequent annual meeting. Notwithstanding the foregoing, a town may vote at its annual meeting to have 5 members of the superintending school committee and may choose by ballot 3 additional superintending school committee members to serve with the 2 members whose terms have not expired and shall fill vacancies arising therein at each subsequent annual town meeting. The 3 members thus chosen shall designate by lot one member to serve 2 years and 2 members to serve 3 years, and they shall certify such designation to the town clerk to be by him recorded, and thereafter the members shall be chosen by ballot at the annual meeting to hold office for 3 years. Said committee may fill vacancies occurring between annual meetings, and the term of office of any member of the committee so chosen shall expire at the next annual meeting. In such cases the superintending school committee shall designate 3 of its members to serve on the joint committee of the school union and they shall be empowered to designate any one member of the 3 so designated to act for the entire committee. The total vote or votes cast by such member or members at any meeting of the joint union committee shall not exceed 3. If any town has accepted chapter 90-A, section 37, relative to secret ballot, it may, at least 30 days before the annual town