



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 704

S.P. 217

In Senate, February 11, 2019

An Act To Clarify the Laws Regarding Driver's License Suspensions

Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator HAMPER of Oxford.
Cosponsored by Representative ARATA of New Gloucester.

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

2 **Sec. 1. 29-A MRSA §101, sub-§17-A** is enacted to read:

3 **17-A. Criminal negligence.** "Criminal negligence" has the same meaning as in Title
4 17-A, section 35, subsection 4.

5 **Sec. 2. 29-A MRSA §2436** is enacted to read:

6 **§2436. Result as an element; causation**

7 **1. Causation.** Unless otherwise provided, when causing a result is an element of an
8 offense under this chapter, causation may be found when the result would not have
9 occurred but for the conduct of the defendant, operating either alone or concurrently with
10 another cause.

11 **2. Concurrent causation.** In cases in which concurrent causation is generated as an
12 issue, the defendant's conduct must also have been sufficient by itself to produce the
13 result.

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

16 **2-A. Minimum suspension for negligent operation.** The Secretary of State
17 without preliminary hearing shall suspend for a period of at least 3 years a person's
18 license if the Secretary of State, based on the Secretary of State's records or other
19 sufficient evidence, finds that person to have negligently operated a motor vehicle with
20 criminal negligence in a manner so as to cause the death of another person. ~~Prior to the~~
21 ~~determination and issuance of the suspension, the Secretary of State shall notify any~~
22 ~~family of the victim and shall consider written or oral statements received from the family~~
23 ~~in response to the notice.~~ Upon suspending the person's license, the Secretary of State
24 shall notify that person of an opportunity for hearing as provided in section 2483. If a
25 person whose license is suspended under this subsection requests a hearing, the
26 suspension is stayed pursuant to section 2483.

27 **SUMMARY**

28 This bill applies to motor vehicle offenses the definition of "criminal negligence" and
29 the use of causation as an element of an offense as used in the Maine Criminal Code.
30 This bill also changes the standard for minimum suspension for negligent operation of a
31 motor vehicle causing the death of another person from "negligently" to "with criminal
32 negligence" and removes the provision requiring the Secretary of State to notify any
33 family of the victim or to consider written or oral statements from the family prior to the
34 determination and issuance of the suspension.