

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Deter the Dealing of Dangerous Drugs**

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

**Sec. 1. 17-A MRS §203, sub-§1**, as amended by PL 2001, c. 383, §9 and affected by §156, is further amended to read:

1. A person is guilty of manslaughter if that person:

A. Recklessly, or with criminal negligence, causes the death of another human being. Violation of this paragraph is a Class A crime;

B. Intentionally or knowingly causes the death of another human being under circumstances that do not constitute murder because the person causes the death while under the influence of extreme anger or extreme fear brought about by adequate provocation. Adequate provocation has the same meaning as in section 201, subsection 4. The fact that the person causes the death while under the influence of extreme anger or extreme fear brought about by adequate provocation constitutes a mitigating circumstance reducing murder to manslaughter and need not be proved in any prosecution initiated under this subsection. Violation of this paragraph is a Class A crime; ~~or~~

C. Has direct and personal management or control of any employment, place of employment or other employee, and intentionally or knowingly violates any occupational safety or health standard of this State or the Federal Government, and that violation in fact causes the death of an employee and that death is a reasonably foreseeable consequence of the violation. This paragraph does not apply to:

(1) Any person who performs a public function either on a volunteer basis or for minimal compensation for services rendered; or

(2) Any public employee responding to or acting at a life-threatening situation who is forced to make and does make a judgment reasonably calculated to save the life of a human being.

Violation of this paragraph is a Class C crime; ~~or~~

D. Trafficks in a drug with or furnishes a drug to another person in violation of chapter 45 and the other person dies as a result of injecting, inhaling or ingesting the drug. It is not a defense to a prosecution under this paragraph that the decedent contributed to the decedent's death by the decedent's purposeful, knowing, reckless or negligent injection, inhalation or ingestion of the drug or by the decedent's consenting to the administration of the drug by another. Violation of this paragraph is a Class A crime.

## **SUMMARY**

This bill makes the illegal trafficking in a drug with or furnishing of a drug to a person when the injection, inhalation or ingestion of the drug by that person causes death a Class A crime of manslaughter.