

MAINE STATE LEGISLATURE

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Bill
A. 42

Date: 3-21-19

(Filing No. H-34)

MAJORITY
JUDICIARY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 363, L.D. 506, Bill, "An Act To Provide Architects, Engineers and Certain Other Professionals Immunity from Civil Liability When Volunteering for Evaluating Damage from Disasters"

Amend the bill in section 1 in §172 in subsection 1 in paragraph J in the 3rd line (page 1, line 32 in L.D.) by striking out the following: "Governor or" and inserting the following: 'Governor and'

Amend the bill in section 1 in §172 in subsection 3 in the 5th and 6th lines (page 2, lines 24 and 25 in L.D.) by striking out the following: "or within 90 days following the end of the natural disaster or catastrophe"

Amend the bill in section 1 in §172 by striking out all of subsection 5 (page 2, lines 30 to 36 in L.D.) and inserting the following:

'5. Liability of governmental entities and employees not affected; existing immunity. When an architect, contractor, environmental professional, land surveyor, landscape architect, planner or engineer voluntarily renders services at the request of or with the approval of a state or local official and when such services fall within the immunity of this section, the liability, if any, of governmental entities and their employees under chapter 741 is not affected by this section. The immunity provided in this section is in addition to immunity provided in Title 37-B, section 784-A.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment clarifies that the immunity applies only when an emergency is declared by the President or the Governor. It also removes from the bill the provision of immunity for the 90 days after the emergency and it makes the language consistent with the Maine Tort Claims Act.

COMMITTEE AMENDMENT