

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1091

S.P. 323

In Senate, March 5, 2019

An Act Regarding the Personal Liability of Government Employees

Reference to the Committee on Health Coverage, Insurance and Financial Services 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 LAWRENCE of York.

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

2 **Sec. 1. 14 MRSA §8104-D**, as enacted by PL 1987, c. 740, §4, is amended to
3 read:

4 **§8104-D. Personal liability of employees of a governmental entity**

5 Except as otherwise expressly provided by section 8111 or by any other law, and
6 notwithstanding the common law, the personal liability of an employee of a governmental
7 entity for negligent acts or omissions within the course and scope of employment ~~shall be~~
8 is subject to a limit of \$10,000 for any such claims arising out of a single occurrence and
9 the employee is not liable for any amount in excess of that limit on any such claims.
10 except that if the employee is covered by liability insurance covering the negligent acts or
11 omissions, the personal liability of the employee is subject to a limit equal to the limits of
12 the policy.

13 **SUMMARY**

14 Current law provides that the personal liability of an employee of a governmental
15 entity for negligent acts or omissions within the course and scope of employment is
16 subject to a limit of \$10,000. This bill provides an exception to this limit for an employee
17 who is covered by liability insurance covering the negligent acts or omissions, in which
18 case the limit is equal to the limits of the policy.