

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1537

H. P. 1117

House of Representatives, March 16, 1971

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Starbird of Kingman Township.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT Relating to Immunity of Government Employees under Civil
Defense Law.

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

Sec. 1. R. S., T. 25, § 312, amended. The first sentence of section 312 of Title 25 of the Revised Statutes, as amended by chapter 175 of the public laws of 1965, is further amended to read as follows:

Neither the State nor any political subdivision thereof, nor other agencies, including the voluntary and uncompensated grantor of a permit for the use of his premises as a civil defense shelter, nor, except in cases of willful misconduct, the agents, employees or representatives of any of them engaged in any civil defense activities, while complying with or attempting to comply with this chapter or any other rule or regulation promulgated pursuant to this chapter, shall be liable for the death of or any injury to persons, or damage to property as a result of such activity.

Sec. 2. R. S., T. 25, § 312, amended. Section 312 of Title 25 of the Revised Statutes, as amended by chapter 175 of the public laws of 1965, is further amended by adding at the end the following paragraph:

Any civil defense worker, as defined in this section, performing civil defense services at any place in this State pursuant to agreements, compacts or arrangements for mutual aid and assistance, to which the State or a political subdivision thereof is a party, or during actual emergency operations as provided in the civil defense basic plan and annexes, shall possess the same powers, duties, immunities and privileges he would ordinarily possess if performing his duties in the State, province or political subdivision thereof in which normally employed or rendering services.

STATEMENT OF FACT

The purpose of this legislation is to restore an immunity clause formerly in this law and to expedite the utilization of specialized services during disaster situations.