

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
105TH LEGISLATURE

HOUSE AMENDMENT " B " to H. P. 1252, L. D. 1578, Bill, "AN ACT to Indemnify Public Officials and Employees of the State of Maine."

Amend said Bill by striking out all of the Title and inserting in place thereof the following:

'AN ACT to Indemnify Elected or Appointed Public Officials of Municipalities.'

Further amend said Bill by striking out everything after the enacting clause and inserting in place thereof the following:

'Sec. 1. R. S., T. 5, c. 65, additional. Title 5 of the Revised Statutes is amended by adding a new chapter 65 to read as follows:

CHAPTER 65

INDEMNIFICATION OF ELCTED OR APPOINTED PUBLIC OFFICIALS  
OF MUNICIPALITIES

§801. Indemnification of certain elected or appointed public officials

Every director or officer of a municipality of the State of  
Maine, including school board members of administrative units,  
shall have the right to be indemnified from municipal or school  
district funds against judgments and expenses actually and reasonably  
incurred by him in connection with the defense of any action, suit  
or proceeding in which he is made a party by reason of being or  
having been such director, officer or school board member, except  
in relation to matters as to which he shall be adjudged in such  
action, suit or proceeding to be liable for bad faith misconduct  
in the performance of his duty as an elected or appointed

*(Filing No. H-187)*

governmental official. No director, officer or school board member shall be indemnified for the fees of legal counsel unless the prior consent and approval of the indemnifying body is obtained.

Notwithstanding anything mentioned in this section, the director, officer or school board member shall have the right to counsel of his choosing at his own expense.

Sec. 2. Intent. It is not the intent of this Act to create a cause of action against any municipality or School Administrative District that did not exist heretofore, nor is it intended to change the rules of law applicable to the determination of liability of a director, officer or school board member of a municipality or School Administrative District. The Act intends to protect and save harmless any director, officer or school board member from expenses, except counsel fees unless expressly authorized, incurred in defending against litigation barred by principles of sovereign immunity.'

#### Statement of Fact

It is the intent of this amendment to exclude state employees and officials from coverage under the bill and provide only for elected or appointed officials. Also to clarify the state's rights

(Filing No. H-187)

with respect to sovereign immunity.

Filed by Mr. Emery of Rockland.

Reproduced and distributed under the direction of the Clerk of the House.

4/28/71

(Filing No. H-187)