

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)

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1102

S. P. 325

In Senate, March 19, 1975

On motion of Senator Katz of Kennebec, referred to the Committee on Judiciary. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Speers of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT Relating to Indemnification and Legal Representation of State
Officers and Employees.

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

5 MRSA § 13 is enacted to read:

§ 13. Indemnification and legal representation

The State will save harmless and indemnify any officer or employee of the State from any liability and expense, including court costs and attorneys' fees, incurred as a result of any claim, demand or suit arising out of any act or failure to act occurring within the scope of his employment, except such liability and expense resulting from willful or wanton misconduct, provided that such officer or employee shall as soon as practicable notify the Attorney General in writing of such claim, demand or suit. Upon receipt of such notice, the Attorney General may, at his discretion, assume control of the defense of the officer or employee, in which event the officer or employee shall cooperate fully with the Attorney General for the purposes of such defense.

This section shall inure to the benefit only of the officers and employees of the State and shall not enlarge nor diminish the rights of any other party. This section shall not in any way impair, limit or modify the rights and obligations of any insurer under any policy of insurance.

STATEMENT OF FACT

It is the purpose of this bill to protect state officers and employees from liability and expenses resulting from claims of damages or injuries arising

out of the good faith performance of duties. The bill also provides for the Attorney General, where warranted, to assume control of the defense of state officers and employees against claims arising out of the performance of their duties to further protect them from the necessity of incurring legal expenses and to protect the interests of the State. It is the further intent of the bill that other rights and obligations, including the defense of sovereign immunity, shall not be enlarged nor diminished.