

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1568

H. P. 1297

House of Representatives, April 2, 1975

On Motion of Mr. Gauthier of Sanford, referred to Committee on Judiciary.
Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Hewes of Cape Elizabeth.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT to Abolish the Defense of Sovereign Immunity
in Certain Situations.

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

Sec. 1. 14 MRSA § 157, as last repealed and replaced by PL 1969, c. 428, is repealed and the following enacted in place thereof:

§ 157. Government agencies

In all civil actions arising out of the use, ownership or operation of a motor vehicle against the State of Maine, any political subdivision thereof or a quasi-municipal corporation, the defense of sovereign immunity is abolished. However, the amount of damages in any such case shall not exceed \$100,000 or the limits of coverage of a policy of insurance covering the liability of such governmental agency, whichever is greater, and the courts shall abate any verdict in any such action to the extent it exceeds those limits. The insurer of a governmental agency shall be estopped from asserting governmental immunity as a defense to any such claim covered by the policy.

In all other civil actions arising out of tortious conduct against the State of Maine, any political subdivision thereof, or a quasi-municipal corporation, the defense of sovereign immunity is abolished during the period a policy of insurance is effective covering the liability of such governmental agency. The insurer of a governmental agency shall be estopped from asserting governmental immunity as a defense to any such claim covered by the policy. The amount of damages in any such case shall not exceed the limits of coverage specified in the policy, and the courts shall abate any verdict in any such action to the extent that it exceeds those limits.

It is the intent of the Legislature that the common law doctrine of governmental immunity as it has been developed in this State remain substantially unchanged, except as modified by this section and other express statutory provisions.

Sec. 2. Applicability. This Act is not applicable to any cause of action arising from events that occurred before the effective date of this Act.

STATEMENT OF FACT

This bill complies with recommendations of the Supreme Judicial Court urging modification of the law relating to sovereign immunity.