

MAINE STATE LEGISLATURE

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R.

STATE OF MAINE
SENATE
108TH LEGISLATURE
FIRST REGULAR SESSION

(Filing No. S-319)

SENATE AMENDMENT "B" to H.P. 1680, L.D. 1874, Bill, "AN ACT to Revise the Maine Tort Claims Act."

Amend the bill in section 1 in that part designated "§8103." in subsection 1 in the 2nd and 3rd lines (same in L.D.) by striking out the underlined words "and employees of the State acting within the course or scope of their employment"

Further amend the bill in section 1 at the end by inserting before section 2 the following:

Employee personal liability.
'3. / Except as otherwise expressly provided by statute, an employee of the State acting within the course and scope of his employment shall be personally liable for claims for which the State is immune under this section only to a limit of \$10,000 for any and all claims arising out of a single occurrence and shall not be liable for the amount in excess of that limit on any such claim.'

Further amend the bill by inserting before section 6 the following:

'Sec. 5-A. 14 MRSA §8116, 2nd ¶, as enacted by PL 1977, c. 2, §2, is amended by inserting at the end the following new sentence:

The State shall purchase insurance on behalf of its employees to insure them against any personal liability to the limit of liability under section 8103, subsection 3.'

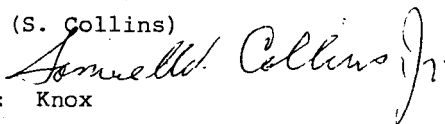
Statement of Fact

The purpose of this amendment is to provide that state employees are personally liable for tort claims only to a limit of \$10,000 and are immune for any amount in excess of that limit. The State would be required to purchase insurance to cover that personal liability. Persons who have claims against state employees in excess of the limit would still be able to seek legislative authorization to bring suit against the State for torts committed by employees of the State acting within the course or scope of their employment.

Name:

(S. Collins)

County: Knox



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