

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
SENATE  
108TH LEGISLATURE  
FIRST REGULAR SESSION

(Filing No. S-365)

SENATE AMENDMENT "C" 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 in that part designated "§8103." by inserting at the end the following new subsection:

'3. Personal liability; state employee. Except as otherwise expressly provided by section 8111 or by any other statute, an employee of the State acting within the course and scope of his employment shall be personally liable for his negligent acts or omissions causing property damage, bodily injury or death in instances in which the State is immune under this section only to a limit of \$10,000 for any and all such 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:

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'The State shall purchase insurance on behalf of its employees to insure them against their personal liability to the limit of their liability under section 8103, subsection 3 and, to the extent that such insurance coverage is not available, shall assume the defense of and indemnify such employees to the limit of their liability under section 8103, subsection 3.'

Statement of Fact

The purpose of this amendment is to provide that the state employees are personally liable, under circumstances where the State is immune, only to a limit of \$10,000 for tort claims for property damage, personal injury or death and are immune for any amount in excess of that limit. The State would be required to purchase insurance to cover that personal liability or, if such insurance is not available on the market, to provide for the defense of and to pay any such judgment against employees, to the \$10,000 limit.

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.

(S. Collins)

NAME:

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COUNTY: Knox