

# MAINE STATE LEGISLATURE

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L. D. 1941  
(Filing No. S-439)

STATE OF MAINE  
SENATE  
108TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 624, L.D. 1941, Bill,  
"AN ACT to Amend the Maine Tort Claims Act."

Amend the Bill by striking out all of section 4 and  
inserting in its place the following:

'Sec. 4. 23 MRSA §3655, 3rd sentence, is amended to read:  
Any person who sustains injury or damage or some person in his  
behalf shall, within ~~14~~ 180 days thereafter, notify one of the  
county commissioners of such county or of the municipal officers  
of such town by letter or otherwise, in writing, setting forth  
his claim for damages and specifying the nature of his injuries  
and the nature and location of the defect which caused such  
injury.

Sec. 5. 23 MRSA §3655, as last amended by PL 1977, c. 578,  
§7, is further amended by inserting after the 4th sentence  
a new sentence to read:

In any action against a town for damages for loss of life  
permitted under this section, the claim for and award of damages,  
including costs, against a town and its employees shall be  
limited and disposed/<sup>of</sup>as provided under Title 18, section 2552,  
but shall not exceed \$300,000 for any and all claims arising out of  
a single occurrence.

Sec. 6. PL 1977, c. 2, §5, first ¶, 2nd sentence is amended  
to read:

\*—This Act shall remain effective until ~~February 17, 1979~~  
November 1, 1979.'

Statement of Fact

The purpose of this amendment is to limit the liability of towns in actions brought for loss of life due to defective ways to the limits and disposition established by the Wrongful Death Act and to a maximum limit as established in the Tort Claims Act, i. e. \$300,000.

There presently is no statutory limit in these actions.

The bill also extends the notice period from 14 days to the 180-day period of the Tort Claims Act.

Section 6 is intended to change the date of automatic repeal from February 1, 1979, to November 1, 1979, instead of removing it entirely.

Reported by the Committee on Judiciary.

Reproduced and distributed pursuant to Senate Rule 11-A.

January 19, 1978

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