

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1941

S. P. 624

Office of the Secretary of the Senate
MAY H. ROSS, Secretary

Filed by the Joint Standing Committee on Judiciary under Joint Rule 17, pursuant to chapter 2 of the Public Laws of 1977 (S. P. 86, L. D. 162).

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-EIGHT

AN ACT to Amend the Maine Tort Claims Act.

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

Sec. 1. 5 MRSA § 1510, sub-§ 1, 1st ¶, 1st sentence, as enacted by PL 1975, c. 313, and as repealed and replaced by PL 1975, c. 771, § 69, is amended to read:

Every claim against the State or any of its agents which ~~is~~ can not be submitted or paid under a specific statutory provision other than this section and which does not exceed the sum of \$2,000, shall be submitted to the State Claims Board, which shall approve, partially approve or disapprove that claim.

Sec. 2. 5 MRSA § 1510, sub-§ 1, 1st ¶, as enacted by PL 1975, c. 313 and as repealed and replaced by PL 1975, c. 771, § 69, is amended by adding at the end the following new sentence to read:

A claim submitted under this section shall not be disapproved solely because a claim based on the same facts was submitted under a different statutory procedure and was disallowed.

Sec. 3. 14 MRSA § 8107, sub-§ 4, as enacted by PL 1977, c. 2, § 2, is amended by adding at the end the following new sentence to read:

A claim filed under this section shall not be held invalid solely because a claim based on the same facts was filed under a different statutory procedure and was disallowed.

Sec. 4. PL 1977, c. 2, § 5, 1st ¶, 2nd sentence is repealed as follows:

~~This Act shall remain effective until February 1, 1979.~~

STATEMENT OF FACT

This bill is the result of the study by the Joint Standing Committee on Judiciary of tort claims against governmental entities that was ordered by the Legislature as part of the emergency passage of the Maine Tort Claims Act at the beginning of the First Regular Session. Most of the areas that the committee was directed to study were treated by the passage later in the session of a bill, chapter 578 of the Public Laws, that made major revisions in the Act.

Very few claims had been filed under the Act by the time the study was completed. The only immediate problem that came to the committee's attention was a possible confusion between the administrative procedures for filing tort claims and the procedures for filing with the State Claims Board.

The first section clarifies a provision of the law on the State Claims Board.

The second and third sections of the bill make clear that a person who submits a claim to the wrong agency will be able to file it with the correct agency without any prejudice because of the mistake.

Section 4 of the bill repeals the provision of the original bill that stated the Maine Tort Claims Act would remain in effect only until February 1, 1979. The law will therefore not be automatically repealed on that date and will remain in effect.