

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 708

H. P. 561

House of Representatives, February 22, 1979

Referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Brenerman of Portland.

Cosponsor: Mr. Brannigan of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Incorporate the Common Law Doctrine on Charitable Immunity into Statute and to Study the Policy of that Immunity.

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

Sec. 1. 14 MRSA § 158, as enacted by PL 1965, c. 513, § 28, is amended by inserting before the first paragraph a new paragraph to read:

A charitable organization which has no capital stock and no provision to pay dividends or profits and which derives its funds mainly from public and private charity and holds them in trust for the object of the institution shall not be liable for damages for negligence or any other tort arising from any actions or failure to act of the organization or its employees or agents.

Sec. 2. Study authorized. A Joint Select Committee on Charitable Immunity shall conduct a study on charitable immunity in this State. The study shall include the need for and policy of immunity for charitable or nonprofit organizations, the scope of immunity that may be established, the specific purposes, organization, source of funds or other identifying characteristics of charities to be given immunity, the organizations and personnel to be included and the nature of actions against them that will be barred. The committee shall specifically consider the Maine Tort Claims Act and the actions of other states in regard to charitable immunity. The committee shall submit the results of its study, including

recommendations and draft legislation, to the 110th Legislature no later than February 1, 1981. State and other government agencies shall provide assistance as requested by the committee.

The Joint Select Committee on Charitable Immunity shall be comprised of 9 members constituted and appointed as follows: Two members of the Senate appointed by the President of the Senate; 3 members of the House of Representatives appointed by the Speaker of the House of Representatives; one attorney who is familiar with nonprofit organizations, 2 employees or directors of different charitable organizations and one member of the general public, all of whom shall be appointed by joint agreement of the President of the Senate and Speaker of the House of Representatives. The members of the committee shall serve without compensation, but may be reimbursed for their reasonable expenses. The committee may hold hearings and expend appropriated funds to carry out this study.

Sec. 3. Appropriation. The following funds shall be appropriated from the General Fund to carry out the purposes of this Act:

	1979-80	1980-81
JOINT SELECT COMMITTEE ON		
CHARITABLE IMMUNITY		
All Other	\$10,000	\$10,000

STATEMENT OF FACT

This bill incorporates into statute the present common law doctrine on charitable immunity. This doctrine has been established and maintained by Maine's courts. This bill also establishes a Joint Select Committee on Charitable Immunity to review the entire question of charitable immunity and to report back its recommendations. The bill appropriates \$10,000 in each year of the biennium to allow the joint select committee to carry out its study.