

# MAINE STATE LEGISLATURE

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D. OF R.

1 L.D. 1785  
2 (Filing No. S-380 )

3 STATE OF MAINE  
4 SENATE  
5 112TH LEGISLATURE  
6 SECOND REGULAR SESSION

7 COMMITTEE AMENDMENT " A " to S.P. 700, L.D.  
8 1785, Bill, "AN ACT to Provide Immunity from Civil  
9 Liability for Court Mediators."

10 Amend the bill by inserting after the title and  
11 before the enacting clause the following:

12 'Emergency preamble. Whereas, Acts of the Legis-  
13 lature do not become effective until 90 days after  
14 adjournment unless enacted as emergencies; and

15 Whereas, mediators employed by the Court Media-  
16 tion Service are not state employees; and

17 Whereas, mediators therefore enjoy no current im-  
18 munity from liability comparable to that enjoyed by  
19 state employees; and

20 Whereas, mediators are therefore currently work-  
21 ing for the Judicial Department without any protec-  
22 tion from suit; and

23 Whereas, in the judgment of the Legislature,  
24 these facts create an emergency within the meaning of  
25 the Constitution of Maine and require the following  
26 legislation as immediately necessary for the preser-  
27 vation of the public peace, health and safety; now,  
28 therefore, '

29 Further amend the bill by striking out everything  
30 after the amending clause (page 1, lines 24 to 31 in  
31 L.D.) and inserting in its place the following:

32 '2-A. Immunity from civil liability. A person  
33 serving as a mediator under contract with the Judi-  
34 cial Department is immune from any civil liability  
35 for negligent acts described in Title 14, section

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COMMITTEE AMENDMENT "A " to S.P. 700, L.D. 1785

1 8111, subsection 1, performed within the scope of the  
2 mediator's duties.'

3 Further amend the bill by inserting before the  
4 statement of fact the following:

5 'Emergency clause. In view of the emergency  
6 cited in the preamble, this Act shall take effect  
7 when approved.'

8 STATEMENT OF FACT

9 The purpose of this amendment is to provide court  
10 mediators with immunity from liability for quasi-ju-  
11 dicial, quasi-legislative and discretionary acts sim-  
12 ilar to the immunity provided state employees under  
13 the Maine Tort Claims Act.

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Reported by Sen. Carpenter for the Committee on Judiciary.  
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(Date 2/21/86)

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