

MAINE STATE LEGISLATURE

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1 (After Deadline)
2 SECOND REGULAR SESSION
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE
5

6 Legislative Document

No. 1785

7
8 S.P. 700

In Senate, January 9, 1986

9 Approved for introduction by a majority of the Legislative Council
10 pursuant to Joint Rule 27.

Reference to the Committee on Judiciary suggested and ordered printed.

11 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Carpenter of Aroostook.
12

13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-SIX
17

18 AN ACT to Provide Immunity from Civil
19 Liability for Court Mediators.
20

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

23 4 MRSA §18, sub-§2-A is enacted to read:

24 2-A. Immunity from civil liability. A person
25 servng as a mediator under contract with the Judi-
26 cial Department is immune from any civil liability
27 for all acts performed in good faith within the scope
28 of the mediator's duties. In a proceeding regarding
29 immunity from liability, there shall be a rebuttable
30 presumption of good faith in the execution of the
31 mediator's duties.

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STATEMENT OF FACT

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The purpose of this bill is to provide persons working as mediators with the Court Mediation Service with immunity from civil liability for their good faith acts within the scope of their duties as mediators. Court mediators are not state employees and therefore do not enjoy the protection from liability for discretionary acts extended to state employees under the Maine Tort Claims Act. This bill provides persons working as mediators with an immunity similar to that provided for state employees.

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