

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 (After Deadline)
3 SECOND REGULAR SESSION
4

5 ONE HUNDRED AND TWELFTH LEGISLATURE
6

7 Legislative Document

No. 1787

8
9 S.P. 702

In Senate, January 9, 1986

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

Reference to the Committee on Judiciary suggested and ordered printed.

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

Presented by Senator Kany of Kennebec.

13 Cosponsored by Representative Jacques of Waterville, Representative
Joseph of Waterville and Representative Lacroix of Oakland.

14 STATE OF MAINE
15

16 IN THE YEAR OF OUR LORD
17 NINETEEN HUNDRED AND EIGHTY-SIX
18

19 AN ACT Establishing an Immunity from Civil
20 Liability for Certain Shelters for the
21 Homeless.
22

23 **Emergency preamble.** Whereas, Acts of the Legis-
24 lature do not become effective until 90 days after
25 adjournment unless enacted as emergencies; and

26 Whereas, the crisis created by homeless persons
27 existing without shelter in our harsh winter climate
28 necessitates the enactment of this legislation as
29 emergency legislation; and

30 Whereas, in the judgment of the Legislature,
31 these facts create an emergency within the meaning of
32 the Constitution of Maine and require the following
33 legislation as immediately necessary for the preser-
34 vation of the public peace, health and safety; now,
35 therefore,

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

3 14 MRSA §166-A is enacted to read:

4 §166-A. Immunity for providers of shelter

5 Notwithstanding any other provision of law, a bo-
6 na fide charitable or not-for-profit organization or
7 any employee or volunteer of that organization who,
8 without charge, in good faith provides shelter to any
9 person who would otherwise be without shelter is im-
10 immune from civil liability arising from an injury or
11 death occurring in or due to the condition of the
12 shelter or on any connected premises, unless the in-
13 jury or death is a direct result of the gross negli-
14 gence, recklessness or intentional misconduct of the
15 organization.

16 **Emergency clause.** In view of the emergency cited
17 in the preamble, this Act shall take effect when ap-
18 proved.

19 STATEMENT OF FACT

20 This bill states that organizations which provide
21 shelter to the homeless will be immune from civil li-
22 ability for injury or death on the property.

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