MAINE STATE LEGISLATURE

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1 2	SECOND REGULAR SESSION					
3 4	ONE HUNDRED AND TWELFTH LEGISLATURE					
5 6	Legislative Document No. 196					
7 8 9 10	H.P. 1394 House of Representatives, February 4, 198 Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26. Reference to the Committee on Business and Commerce suggested and ordered printed. EDWIN H. PERT, Clerk Presented by Representative Hoglund of Portland. Cosponsored by Representative Rydell of Brunswick, Representative Foss of Yarmouth and Representative Simpson of Casco.					
12 13	STATE OF MAINE					
14 15 16	IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-SIX					
17 18 19 20	AN ACT to Guarantee Insurance Coverage for Child Care Centers and Family Day Care Providers Licensed by the State.					
21 22	Be it enacted by the People of the State of Maine as follows:					
23	Sec 1. 14 MRSA c. 745 is enacted to read:					
24	CHAPTER 745					
25	DAY CARE CENTERS					
26	§8211. Limitation action for damages					
27 28 29 30 31 32 33 34	l. Limit established. In any action for damages by a parent against the owner or operator of a day care center for children for a claim arising out of the abuse of a child of that parent while in the care of the day care center, the claim for and award of damages, including costs, for pain and suffering of the parent, shall not exceed \$300,000 limited annual aggregate.					

- 1 Sec 2. 24-A MRSA §2325-A is enacted to read:
- 2 §2325-A. Risk Sharing Plan; day care centers
- The superintendent shall establish a Risk Sharing
 Plan to provide liability insurance coverage for
 children's day care centers unable to obtain coverage
 in the voluntary market.
- 7 Sec 3. 24-A MRSA §3048, as amended by PL 1979, 8 c. 411, §1, is further amended by adding at the end a new paragraph to read:
- 10 No insurer issuing policies of insurance to per-11 sons providing day care services for children is lia-12 ble for damage claims against that employer or his 13 employees if the employee responsible for the damages 14 was hired without the employer ascertaining whether 15 the employee had a criminal record involving acts for 16 which the employer would have been denied a license by the Department of Human Services, had he committed 17 18 them.
- 19 Sec 4. 24-A MRSA §3057 is enacted to read:
- 20 §3057. Nonliability for certain acts

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- An insurer issuing a policy of insurance to home owners which covers the value of the home, its contents and liability relating to that dwelling and includes coverage for liability incurred as a result of the owner operating a day care service for children in that home, may not cancel the basic home owners policy and coverage because the liability provision for the day care operation has been cancelled.
- 29 STATEMENT OF FACT
- This bill limits the liability of defendant parents who sue for their pain and suffering because their child was abused by an employee of a day care center for children to \$300,000 maximum.
- Insurers are not liable for damages caused by employees who were hired by the employer without the

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employee	e. Insu	rers ma	y not	cancel	a "home	e own	er"
y when	cancell	ing tha	t part	of the	policy	rel	at-
_			for t	he oper	ation o	of a	day
center	for chi	ldren.					
	employee cy when solely	employee. Insucy when cancell solely to li	employee. Insurers ma by when cancelling tha	employee. Insurers may not by when cancelling that part solely to liability for t	employee. Insurers may not cancel by when cancelling that part of the solely to liability for the oper	employee. Insurers may not cancel a "home by when cancelling that part of the policy solely to liability for the operation of	oyer ascertaining the criminal record, if any, employee. Insurers may not cancel a "home own by when cancelling that part of the policy releasely to liability for the operation of a center for children.

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