

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 FIRST REGULAR SESSION
3

4 ONE HUNDRED AND THIRTEENTH LEGISLATURE
5

6 Legislative Document

No. 2

7
8 S.P. 3

In Senate, December 3, 1986

9 Reference to the Committee on Judiciary suggested and
10 ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

11 Presented by Senator KANY of Kennebec.

Cosponsored by: Representative JACQUES of Waterville,
12 Representative JOSEPH of Waterville, Representative LACROIX of
Oakland.

13 STATE OF MAINE
14

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

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

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

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

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

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

1 14 MRSA §166-A is enacted to read:

2 §166-A. Immunity for providers of shelter

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

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

17 STATEMENT OF FACT

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

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