

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 395

S.P. 141

In Senate, February 19, 1987

Reference to the Committee on Judiciary suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate  
Presented by Senator BRANNIGAN of Cumberland.

Cosponsored by Representative O'GARA of Westbrook,  
Representative COTE of Auburn.

STATE OF MAINE

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-SEVEN

AN ACT to Clarify Municipal Liability for  
Certain Vehicular Accidents.

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2  
3

4 Be it enacted by the People of the State of Maine as  
5 follows:

6 Sec. 1. 30 MRSA §3775, as enacted by PL 1973, c.  
7 680, §5, is repealed.

8 Sec. 2. 30 MRSA §3775-A is enacted to read:

9 §3775-A. Municipal liability for demolished build-  
10 ings

11 If the pulling down or demolition of any struc-  
12 ture or appurtenance, except that in which the fire  
13 originated, is used as the means of stopping the  
14 spread of fire, the owner of the structure or appur-

1 tenance is entitled to recover reasonable compensa-  
2 tion therefor from the municipality in a civil ac-  
3 tion.

4 STATEMENT OF FACT

5 This bill repeals the Maine Revised Statutes, Ti-  
6 tle 30, section 3775. Section 3775 established mu-  
7 nicipal liability for damage or loss caused by an ac-  
8 cident or mishap involving a vehicle owned by a mu-  
9 nicipal fire department or an incorporated volunteer  
10 fire association that was going to or from any as-  
11 signed call of duty. This provision, however, is in-  
12 consistent with the Maine Tort Claims Act, which lim-  
13 its the liability of municipalities for claims in-  
14 volving the operation of motor vehicles. This bill  
15 resolves the conflict which subsection 1 created by  
16 eliminating that subsection and creating a new sec-  
17 tion 3775-A which consists of the old subsection 2.  
18 This bill also makes it clear that the limit of the  
19 Maine Tort Claims Act applies to any claim alleging a  
20 municipality's negligence in the operation of any mo-  
21 tor vehicle.

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