

MAINE STATE LEGISLATURE

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R. of S.

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L.D. 657

(Filing No. S- 336)

STATE OF MAINE
SENATE
113TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT " A " to S.P. 238, L.D. 657,
Bill, "AN ACT Amending the Workers' Compensation Laws
Exempting Design Professionals from General Civil
Liability for Injuries on Construction Projects."

Amend the bill in section 3 by striking out all of
subsection 4-A (page 2, lines 3 to 12 in L.D.) and
inserting in its place the following:

'4-A. Design professional. "Design professional"
means:

A. An architect, professional engineer, landscape
architect, land surveyor, geologist or soil
scientist licensed to practice that profession in
the State in accordance with Title 32; or

B. Any corporation or partnership, professional
or general, which employs one or more of any of
the professionals described in paragraph A and
whose sole purpose is the rendering of
professional services practiced by any
professional described in paragraph A.'

Further amend the bill in section 4, in the 4th
line (page 2, line 16 in L.D.) by striking out the
underlined word "provides" and inserting in its place
the underlined words 'is acting within the course and
scope of providing design'

H. of S.

COMMITTEE AMENDMENT " A " to S.P. 238, L.D. 657

1 Further amend the bill in section 4, in the 6th
2 and 7th lines (page 2, lines 18 and 19 in L.D.) by
3 striking out the following: "any employee of a design
4 professional who is" and inserting in its place the
5 following: 'design professional's employee who is
6 acting within the course and scope of'

7 Further amend the bill in section 4, in the 8th
8 line (page 2, line 20 in L.D.) by inserting after the
9 underlined words "performance of" the underlined word
10 'design'

11 Further amend the bill in section 4, in the 13th
12 line (page 2, line 25 in L.D.) by striking out the
13 underlined word "action" and inserting in its place
14 the underlined word 'Act'

15 Further amend the bill by inserting at the end
16 before the statement of fact the following:

17 'Sec. 5. Application. This Act applies to
18 causes of action that accrue on or after the effective
19 date of this Act.'

20 STATEMENT OF FACT

21 This amendment:

22 1. Clarifies the definition of design
23 professional so that a corporation or partnership
24 employing a design professional will benefit from the
25 immunity provided by the bill only if the
26 corporation's or partnership's sole purpose is the
27 rendering of design professional services;

28 2. Makes it clear that the immunity provided by
29 the bill applies to a design professional, or a design
30 professional's employee, only when that person is
31 acting within the course and scope of providing design
32 professional services;

P. of S.

COMMITTEE AMENDMENT " A " to S.P. 238, L.D. 657

1 3. Corrects an error in the use of the word
2 "action" rather than "Act." Thus, the immunity
3 accorded design professionals by the bill will apply
4 only if the injured employee receives compensation
5 under the Workers' Compensation Act; and

6 4. Adds an application section.

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Reported by the Majority for the Committee on Judiciary.
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