

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 479

S.P. 201

In Senate, February 27, 1989

Submitted by the Department of Mental Health and Mental Retardation pursuant to Joint Rule 24.

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script, reading 'Joy J. O'Brien'.

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator CAHILL of Sagadahoc.

Cosponsored by Representative MacBRIDE of Presque Isle and Representative PEDERSON of Bangor.

STATE OF MAINE

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

An Act to Clarify the Law Regarding Immunity of Nonprofit Organization
Directors, Officers and Volunteers.



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

3 **Sec. 1 14 MRSA §158-A, sub-§1, ¶¶B, C and D,** as enacted by PL
5 1987, C. 646, §2 are repealed.

7 **Sec. 2. 14 MRSA §158-A, sub-§1, ¶E** is enacted to read:

9 E. "Without compensation" means that a director, officer or
11 volunteer does not receive compensation on a salary or a
13 prorated equivalent basis. Compensation does not include
15 payment of actual expenses incurred in attending meetings or
17 in executing responsibilities, the receipt of meals at
19 meetings or the receipt of gifts not exceeding a total value
21 of \$300 in any 12 consecutive months.

23 **Sec. 3. 14 MRSA, §158-A, sub-§2,** as enacted by PL 1987, c.
25 646, §2, is repealed and the following enacted in its place.

27 2. Immunity. A director, officer or volunteer who serves
29 without compensation is immune from civil liability for any act
31 or omission which results in damage or injury if that person was
33 acting within the scope of that person's official functions and
35 duties as a director, officer or volunteer unless the damage or
37 injury caused by the act or omission of the director, officer or
39 volunteer constitutes gross negligence or an intentional tort.

41

29 STATEMENT OF FACT

31 PL 1987, chapter 646, An Act to Reform Provisions of the
33 Civil Justice System, was enacted in the Second Regular Session
35 of the 113th Legislature. This bill provided, among other
37 things, for immunity for uncompensated directors, officers and
39 volunteers of Maine nonprofit organizations. This new bill
41 proposes clarification of the term "compensation" so that a line
is drawn between permissible and impermissible gifts provided to
directors, officers and volunteers. This bill also clarifies the
scope of immunity afforded to those directors, officers and
volunteers.