



## 114th MAINE LEGISLATURE

## **SECOND REGULAR SESSION - 1990**

**Legislative Document** 

No. 1974

H.P. 1422

House of Representatives, December 18, 1989

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

Received by the Clerk of the House on December 18, 1989. Referred to the Committee on Judiciary and 1600 ordered printed pursuant to Joint Rule 14.

EDWIN H. PERT, Clerk

Presented by Representative HASTINGS of Fryeburg.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND NINETY

An Act to Clarify the Status of Court Mediators, Court Appointed Special Advocates and Bail Commissioners with Respect to Civil Liability.

	Be it enacted by the People of the State of Maine as follows:
2	Sec. 1. 4 MRSA §18, sub-§2-A, as enacted by PL 1985, c. 562,
4	is amended to read:
б	<b>2-A. Immunity from civil liability.</b> A person serving as a mediator under contract with the Judicial Department <u>or as</u>
8	Director or Deputy Director of the Court Mediation Service is immune from any civil liability fer-negligent-acts-deseribed-in
10	Title14,section8111,subsection1, <u>as are employees of</u> governmental entities, under the Maine Tort Claims Act, Title 14,
12	<u>chapter 741, for acts</u> performed within the scope of the mediator's <u>, director's or deputy director's</u> duties.
14	Soc 7 4 MIDSA \$1506 as expected by DI 1005 a F01 \$1 is
16	Sec. 2. 4 MRSA $\$1506$ , as enacted by PL 1985, c. 581, $\$1$ , is amended to read:
18	§1506. Immunity from civil liability
20	A person serving as a court appointed special advocate under contract with the Judicial Department <u>or as Director of the Court</u>
22	Appointed Special Advocate Program is immune from any civil
24	liability for-negligent-acts-described in Title 14, section 8111, subsection -1, as are employees of governmental entities, under
26	the Maine Tort Claims Act, Title 14, chapter 741, for acts performed within the scope of the court appointed special advocate's or <u>director's</u> duties.
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30	Sec. 3. 15 MRSA §1023, sub-§3, as enacted by PL 1987, c. 758, §20, is amended to read:
32	<b>3. Immunity from liability.</b> A person appointed and serving as a bail commissioner is immune from any civil liability <b>f</b> er
34	acts-described -in-Title-14,-section-8111,subsection-1, as are employees of governmental entities under the Maine Tort Claims
36	Act, Title 14, chapter 741 for acts performed within the scope of the bail commissioner's duties.
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42	STATEMENT OF FACT
44	The purpose of this bill is to ensure that those individuals serving as court mediators, court appointed special advocates,
46	bail commissioners, the Director or Deputy Director of the Court Mediation Service and the Director of the Court Appointed Special
48	Advocate Program have the benefits of the Maine Tort Claims Act
50	and the full range of immunities available under that law. There is confusion in the present language involving these positions

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and this bill will clarify that persons holding these positions are entitled to the same range of immunities as are governmental employees under the Maine Tort Claims Act.

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