# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

### FIRST REGULAR SESSION-1993

Legislative Document

No. 221

H.P. 169

House of Representatives, February 1, 1993

An Act to Clarify the Liability of Fire Chiefs.

Reference to the Committee on Judiciary suggested and ordered printed.

OSEPH W. MAYO, Clerk

Presented by Representative LORD of Waterboro. Cosponsored by Representatives: GOULD of Greenville, GREENLAW of Standish, Senators: LAWRENCE of York, TITCOMB of Cumberland.

Be it	enacted	bv	the	Peop	le of	the	State	of	Maine	as	follows:

Sec. 1. 14 MRSA §8104-D, as enacted by PL 1987, c. 740, §4, is amended to read:

### §8104-D. Personal liability of employees of a governmental entity

Except as otherwise expressly provided by section 8111 or by any other law, and notwithstanding the common law, the personal liability of an employee of a governmental entity for negligent acts or omissions within the course and scope of employment shall be is subject to a limit of \$10,000 for any such claims arising out of a single occurrence and the employee is not liable for any amount in excess of that limit on any such claims. The vicarious liability of the chief of a fire department or volunteer fire association for the acts or omissions of the personnel of the department or association is limited to grossly negligent acts or omissions of the personnel within the course and scope of their employment.

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#### STATEMENT OF FACT

This bill ensures that a fire chief will not be held liable under the Maine Tort Claims Act for merely negligent acts or omissions of the firefighters in the department or association within the course and scope of employment. The fire chief will still be held liable for firefighters' grossly negligent acts and omissions within the course and scope of their employment.

Currently, public employees are personally liable for damages up to \$10,000 for negligent acts or omissions within the course and scope of employment.