

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 410

H.P. 306

House of Representatives, February 6, 1995

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**An Act to Amend the Notice Requirements of the Maine Tort Claims Act.**

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Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative MORRISON of Bangor.  
Cosponsored by Senator MILLS of Somerset and  
Representatives: CLARK of Millinocket, FITZPATRICK of Durham, GWADOSKY of  
Fairfield, HATCH of Skowhegan.

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

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**Sec. 1. 14 MRSA §8107**, as amended by PL 1991, c. 460, is further amended by adding at the end a new paragraph to read:

This section does not apply when the governmental entity that is the subject of the claim has procured insurance against liability for a claim against that entity or its employees under this chapter and the insurance carrier or its agent is in contact with the claimant or the claimant's representative within the 180-day notice period.

**STATEMENT OF FACT**

This bill waives the notice requirements of the Maine Tort Claims Act in cases when the insurance carrier for the governmental entity is in contact with the claimant or the claimant's representative during the 180-day notice period. This recognizes that, in those cases, the purpose of the notice requirement of putting the governmental entity on notice concerning the claim has been satisfied.