

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

DATE: 3-10-98

(Filing No. H-863)

JUDICIARY

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1424, L.D. 1988, Bill, "An Act to Amend the Laws Governing Liability Associated with Juvenile Offenders Who Participate in Community Service Programs"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 14 MRSA §158-B is enacted to read:

§158-B. Limited liability of charitable organizations

1. Liability limited. A charitable organization is not liable for a claim arising from death or injury to a person or damage to property caused by a juvenile participating in a supervised work or service program, performing community service or providing restitution under Title 15, section 3301 or 3314, including a claim arising from death or injury to the juvenile or damage to the juvenile's property.

2. No effect on other liability or immunity. Nothing in this section creates liability for any claim or waives any immunity otherwise available.

3. Charitable organization defined. For the purposes of this section, "charitable organization" means any nonprofit organization organized or incorporated in this State or having a principal place of business in this State that is exempt from federal income taxation under the United States Internal Revenue Code, Section 501(a) because the nonprofit organization is described in the United States Internal Revenue Code, Section 501(c)(3).

COMMITTEE AMENDMENT

2 **Sec. 2. 15 MRSA §3314, sub-§1, ¶B**, as amended by PL 1991, c.
885, Pt. E, §17 and affected by §40, is further amended to read:

4
6 B. The court may require a juvenile to participate in a
supervised work or service program. Such a program may
8 provide restitution to the victim by requiring the juvenile
to work or provide a service for the victim, or to make
10 monetary restitution to the victim from money earned from
such a program. Such a supervised work or service program
may be required as a condition of probation if:

12 (1) The juvenile is not deprived of the schooling that
14 is appropriate to his the juvenile's age, needs and
specific rehabilitative goals;

16 (2) The supervised work program is of a constructive
18 nature designed to promote rehabilitation and is
appropriate to the age level and physical ability of
20 the juvenile; and

22 (3) The supervised work program assignment is made for
a period of time not exceeding 180 days.

24
26 A juvenile ~~referred to~~ participating in a supervised work or
service program, performing community service or providing
28 restitution under this paragraph section or section 3301,
~~subsection 5, paragraphs A and B,~~ may not be subject to
30 Title 39-A, Part 1, the Maine Workers' Compensation Act of
1992.'

32 Further amend the bill by inserting at the end before the
summary the following:

34
36 **FISCAL NOTE**

38 This bill may decrease the number of civil suits filed in
the court system. The Judicial Department may realize some minor
40 savings from reductions of workload and administrative costs
associated with the minimal number of cases that will no longer
42 be filed. Reductions in the collection of filing fees may
decrease General Fund revenue by minor amounts.'

44
46 **SUMMARY**

48 This amendment replaces the bill. It eliminates reference
to the Maine Tort Claims Act and limits the liability of

2 charitable organizations for claims arising from death or injury
to a person or damage to property caused by a juvenile
4 participating in a community service program. The amendment
defines "charitable organization" and clarifies that juveniles
6 participating in community service programs are not covered by
the Workers' Compensation Act. It also adds a fiscal note to the
bill.