

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1142

H.P. 819

House of Representatives, February 9, 1999

An Act to Provide for Suit Against Certain State Employees.

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative PLOWMAN of Hampden.

Cosponsored by Representatives: TUTTLE of Sanford, WATERHOUSE of Bridgton.

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

Sec. 1. 14 MRSA §8111, sub-§1, ¶E, as enacted by PL 1987, c. 740, §8, is amended to read:

E. Any intentional act or omission within the course and scope of employment; ~~provided, except that such immunity shall does~~ not exist in any case in which an employee's actions are found to have been in bad faith. An employee of the Department of Human Services who, for personal gain, vengeance or other inappropriate personal motive, seeks to deprive a person of rights under state or federal law with respect to a child protection action or who collaborates with another by action or inaction to achieve such a result, acts in bad faith and is not entitled to absolute immunity under this paragraph.

SUMMARY

This bill provides that an employee of the Department of Human Services who, for inappropriate personal motives, seeks to deprive a person of rights in a child protection action is not entitled to absolute immunity from tort liability.