



119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1294

H.P. 916

House of Representatives, February 16, 1999

An Act to Provide for a Limited Waiver of Immunity.

Reference to the Committee on Judiciary suggested and ordered printed.

OSEPH W. MAYO, Clerk

Presented by Representative POWERS of Rockport. Cosponsored by Representatives: JABAR of Waterville, MADORE of Augusta, SCHNEIDER of Durham, Senators: HARRIMAN of Cumberland, LONGLEY of Waldo.

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

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	Sec.1. 14 MRSA §158-A, sub-§3 is enacted to read:
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	3. Limited waiver of immunity while operating vehicles,
б	vessels or aircraft. Notwithstanding any immunity granted in
	subsection 2, a director, officer or volunteer is considered to
8	have waived immunity from liability when the cause of action
	arises out of the director's, officer's or volunteer's operation
10	of a motor vehicle, vessel, aircraft or other vehicle for which
	the operator or the owner of the vehicle, vessel or craft is
12	required to possess an operator's license or maintain insurance.
	The amount of damages in an action authorized by this section may
14	not exceed the combined limits of coverage of any applicable
	insurance policies and the courts shall abate a verdict in an
16	action to the extent that it exceeds such limits. A provision in
	a policy of insurance that attempts to exclude coverage for
18	claims that are authorized by this section is void as contrary to
	public policy.
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22	SUMMARY
24	This bill creates a limited waiver of immunity for

directors, officers or volunteers of charitable organizations who
cause harm while operating vehicles, vessels or aircraft. The waiver is limited to the extent that these persons have insurance
to cover claims against them. The bill also voids, as contrary to public policy, any provision in an insurance policy that
attempts to limit or exclude coverage for claims that are authorized by the Maine Revised Statutes, Title 14, section 158-A.