

MAINE STATE LEGISLATURE

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Date: 5/29/07

L.D. 397
(Filing No. H-342)

JUDICIARY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
123RD LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 313, L.D. 397, Bill, "An Act To Limit Liability for the Performance of Community Service"

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

'Sec. 1. 14 MRSA §158-B, as enacted by PL 1997, c. 619, §1, is amended to read:

§158-B. Limited liability of charitable organizations

1. Liability limited. A charitable organization or other entity approved pursuant to Title 15, section 3301 or 3314 or pursuant to Title 17-A, section 1345 is not liable for a claim arising from death or injury to a person or damage to property caused by a juvenile or adult participating in a supervised work or service program, performing community service or providing restitution under Title 15, section 3301 or 3314 or under Title 17-A, section 1345, including a claim arising from death or injury to the juvenile or adult or damage to the adult's or 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 institution or 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).'

SUMMARY

This amendment deletes from the bill language pertaining to public entities because they are already immune from suit under the Maine Tort Claims Act. It also deletes

COMMITTEE AMENDMENT

PLS

COMMITTEE AMENDMENT "A" to H.P. 313, L.D. 397

1 language concerning "charitable institution" to retain the current law referring to
2 "charitable organization" as the defined term in the statute.

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FISCAL NOTE REQUIRED
(See attached)



Approved: 05/09/07 *MAC*

123rd MAINE LEGISLATURE

LD 397

LR 847(02)

An Act To Limit Liability for the Performance of Community Service

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

Minor savings - General Fund
Minor revenue decrease - General Fund

Correctional and Judicial Impact Statements

This bill may decrease the number of civil suits filed in the court system.

Reductions in the collection of filing fees may decrease General Fund revenue by minor amounts.