

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 397

H.P. 313

House of Representatives, January 29, 2007

An Act To Limit Liability for the Performance of Community Service

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative CLEARY of Houlton.
Cosponsored by Senator COURTNEY of York and
Representatives: EATON of Sullivan, FAIRCLOTH of Bangor, MacDONALD of Boothbay,
PENDLETON of Scarborough, SAMSON of Auburn, SCHATZ of Blue Hill, SILSBY of
Augusta, SIROIS of Turner.

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

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

3 **§158-B. Limited liability of certain entities including charitable institutions and**
4 **organizations**

5 **1. Liability limited.** ~~A charitable organization~~ The State, a county, a municipality, a
6 school administrative district or other public entity, a charitable institution or other entity
7 approved pursuant to Title 15, section 3301 or 3314 or pursuant to Title 17-A, section
8 1345 is not liable for a claim arising from death or injury to a person or damage to
9 property caused by a juvenile or adult participating in a supervised work or service
10 program, performing community service or providing restitution under Title 15, section
11 3301 or 3314 or under Title 17-A, section 1345, including a claim arising from death or
12 injury to the juvenile or adult or damage to the adult's or juvenile's property.

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

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

21 **SUMMARY**

22 Current law limits the liability of charitable organizations for damages caused by a
23 juvenile participating in a supervised work or service program or performing community
24 service. This bill extends the limitation of liability to adults participating in such
25 programs and clarifies that the limitation of liability extends to the State and its political
26 subdivisions.