

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2008

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Legislative Document

No. 1988

S.P. 782

December 18, 2007

**An Act To Protect Persons Responding to an Emergency Situation  
Involving a Water Utility**

(EMERGENCY)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 18, 2007. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator BRYANT of Oxford.  
Cosponsored by Senator HASTINGS of Oxford, Representative CARTER of Bethel and  
Representatives: BRYANT of Windham, DRISCOLL of Westbrook.

1       **Emergency preamble. Whereas,** acts and resolves of the Legislature do not  
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3       **Whereas,** natural disasters cannot often be predicted; and

4       **Whereas,** the State should have every tool possible in place to facilitate responses to  
5 natural disasters; and

6       **Whereas,** a responder should not fear suit should the responder enter an emergency  
7 situation to render assistance; and

8       **Whereas,** in the judgment of the Legislature, these facts create an emergency within  
9 the meaning of the Constitution of Maine and require the following legislation as  
10 immediately necessary for the preservation of the public peace, health and safety; now,  
11 therefore,

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

13       **Sec. 1. 14 MRSA §159-E** is enacted to read:

14       **§159-E. Limited liability for emergency response to water utilities**

15       **1. Definitions.** As used in this section, unless the context otherwise indicates, the  
16 following terms have the following meanings.

17       A. "Declared emergency" means an emergency that is declared by either state or  
18 municipal officials.

19       B. "Private company" means any company or corporation in the business of selling  
20 potable water for bulk or retail sale.

21       C. "Water utility" has the same meaning as in Title 35-A, section 102.

22       **2. Limited liability.** A private company or a water utility that responds or assists  
23 another water utility during a declared emergency is not liable for damages, injuries, civil  
24 liabilities or penalties that result from actions taken or omitted by the responding water  
25 utility or private company or their respective employees and staff in the course of  
26 rendering assistance.

27       **3. Limitations.** This section does not limit any liability that may otherwise exist for  
28 a willful, reckless or grossly negligent act or omission. The liability limitation under  
29 subsection 2 does not apply if the responding private company or water utility or their  
30 respective employees and staff are grossly negligent or engage in willful misconduct.

31       **Emergency clause.** In view of the emergency cited in the preamble, this  
32 legislation takes effect when approved.

**SUMMARY**

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This bill limits the liability of a water utility or private company and employees and staff who perform water utility work and service for another water utility during a declared emergency.