

MAINE STATE LEGISLATURE

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SING
ROB S

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L.D. 1660

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Date: 3-7-12

(Filing No. S- 423)

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JUDICIARY

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Reproduced and distributed under the direction of the Secretary of the Senate.

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STATE OF MAINE

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SENATE

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125TH LEGISLATURE

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SECOND REGULAR SESSION

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COMMITTEE AMENDMENT "A" to S.P. 559, L.D. 1660, Bill, "An Act To Provide Tort Claims Immunity for Out-of-state Regional Transit Organizations That Provide Regular Service in Maine"

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Amend the bill by inserting at the end before the summary the following:

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'Sec. 2. 14 MRSA §8105, sub-§1-A is enacted to read:

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1-A. Limit established for out-of-state transit district or regional transportation corporation. In any claim or cause of action permitted by this chapter, the award of damages, including costs, against a transit district or regional transportation corporation formed under the laws of another state contiguous to this State that would qualify as a transit district or regional transportation corporation under Title 30-A, chapter 163 if formed under the laws of this State, or against its employees, or both, may not exceed the higher of the limit established under subsection 1 and the limit established under the applicable statute limiting tort liability of the state in which the transit district or regional transportation corporation is formed or organized. This limit applies to any and all claims arising out of a single occurrence. The transit district or regional transportation corporation shall maintain insurance coverage for claims under this Act of at least \$1,000,000.

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This subsection is repealed July 1, 2016.'

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SUMMARY

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The bill extends the application of the Maine Tort Claims Act to transit organizations operating in this State but organized under the laws of another state. This amendment provides that the cap on damages for tort claims against such a transit organization is either the \$400,000 limit established in the Maine Revised Statutes, Title 14, section 8105, subsection 1, or the limit established by the applicable tort claims statute in the state in which the transit organization is organized, whichever is higher. The transit organization must be organized in a state that is contiguous to this State to benefit from

1 the Maine Tort Claims Act protections, and the transit organization must maintain
2 insurance coverage of at least \$1,000,000.

3 This extension of the protection of the Maine Tort Claims Act is repealed on July 1,
4 2016.