

MAINE STATE LEGISLATURE

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SMC
R.O.B.S

L.D. 1687

Date: 3/22/12

Minority

(Filing No. H-811)

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JUDICIARY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
SECOND REGULAR SESSION

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COMMITTEE AMENDMENT "A" to H.P. 1239, L.D. 1687, Bill, "An Act To Clarify the Liability of 3rd-party Building Inspectors"

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

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'Sec. 1. 25 MRSA §§2373-A and 2373-B are enacted to read:

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§2373-A. Limitation on damages

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In any claim or cause of action arising from the actions of a 3rd-party inspector, the award of damages, including costs, against the 3rd-party inspector may not exceed \$400,000 for any claims arising out of a single occurrence.

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§2373-B. Limitation of actions

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Every claim against a 3rd-party inspector is forever barred from the courts of this State unless an action therein is begun within 2 years after issuance of the report by the 3rd-party inspector, except that if the claimant is a minor when the cause of action accrues, the action may be brought within 2 years of the minor's attaining 18 years of age.'

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SUMMARY

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This amendment is the minority report of the Joint Standing Committee on Judiciary.

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This amendment replaces the bill and provides limitations on damages and actions against 3rd-party building inspectors who perform services on behalf of either builders or municipalities leading to the issuance of a municipal certificate of occupancy. This amendment establishes limitations similar to those that apply to municipal building inspectors under the Maine Tort Claims Act.

COMMITTEE AMENDMENT