

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST SPECIAL SESSION-2021

Legislative Document

No. 1403

H.P. 1037

House of Representatives, April 7, 2021

**An Act To Protect Maine Businesses, Nonprofits, Educational
Institutions and Municipalities during the COVID-19 Pandemic**

Received by the Clerk of the House on April 5, 2021. Referred to the Committee on
Judiciary pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative DILLINGHAM of Oxford.
Cosponsored by Senator STEWART of Aroostook and
Senator: DIAMOND of Cumberland.

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

2 **Sec. 1. 14 MRSA §173** is enacted to read:

3 **§173. Limited liability for coronavirus exposure**

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

6 A. "Business organization" means an enterprise, corporation, partnership, limited
7 liability company, proprietorship, association, business trust, real estate trust or other
8 form of organization that is carrying on a business activity within the State regardless
9 of whether organized for gain or profit or organized as a nonprofit or tax-exempt
10 organization.

11 B. "Coronavirus" means:

12 (1) Severe acute respiratory syndrome coronavirus 2; or

13 (2) Any ailment or disease caused or exacerbated by severe acute respiratory
14 syndrome coronavirus 2.

15 C. "Gross negligence" means an act or omission that, when viewed objectively from
16 the standpoint of the actor at the time of its occurrence, creates risk to 3rd parties by
17 knowingly operating in violation of government standards and guidance related to
18 coronavirus exposure in effect at the time of the alleged act.

19 **2. Limitation of liability for exposure to coronavirus.** Notwithstanding any
20 provision of law to the contrary, a municipality, educational institution or business
21 organization is not liable for personal injury resulting from or related to an actual or alleged
22 exposure to coronavirus occurring in the course of the municipality's, educational
23 institution's or business organization's activity, or in the course of a person working for the
24 municipality, educational institution or business organization in any capacity, while
25 following applicable government standards and guidance related to coronavirus exposure.

26 **3. Liability exceptions.** The limitation of liability under subsection 2 does not apply
27 to personal injury resulting from or related to the actual or alleged exposure to coronavirus
28 proven by clear and convincing evidence to be the result of:

29 A. Gross negligence;

30 B. Willful misconduct;

31 C. Intentional criminal conduct; or

32 D. Intentional infliction of harm.

33 **4. Statute of limitations.** An action against a municipality, educational institution or
34 business organization for an alleged personal injury arising from coronavirus must be
35 commenced no later than one year after the day the cause of action arises.

36 **5. Construction.** This section does not create a new cause of action or expand any
37 liability otherwise imposed, limit any defense or affect the applicability of any law that
38 affords greater protections to a defendant than provided in this section.

SUMMARY

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This bill provides a limitation against liability for a municipality, educational institution or for-profit or nonprofit business organization from suit alleging personal liability due to exposure to coronavirus if the municipality, educational institution or business organization is following applicable government standards and guidance related to coronavirus exposure.