

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND THIRTY-FIRST LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 7, 2022 to March 30, 2023**

**FIRST SPECIAL SESSION**  
**April 5, 2023 to July 26, 2023**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NONEMERGENCY LAWS IS**  
**JUNE 29, 2023**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NONEMERGENCY LAWS IS**  
**OCTOBER 25, 2023**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Augusta, Maine**  
**2023**

forms recycling activities. A written policy adopted under this subsection must be developed by a credentialed industrial hygienist and must comply with United States Department of Labor, Occupational Safety and Health Administration requirements. As used in this subsection, "credentialed industrial hygienist" means an industrial hygienist certified by a national association of industrial hygiene professionals.

See title page for effective date.

**CHAPTER 351**

**S.P. 530 - L.D. 1312**

**An Act to Limit the Immunity of Charitable Organizations**

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

**Sec. 1. 14 MRSA §158**, as enacted by PL 1965, c. 513, §28, is amended to read:

**§158. Damages for tortious conduct of charitable corporations organizations**

A charitable organization ~~shall be~~ is considered to have waived its immunity from liability for negligence or any other tort during the period a policy of insurance is effective covering the liability of the charitable organization for negligence or any other tort. Each policy issued to a charitable organization ~~shall~~ must contain a provision to the effect that the insurer ~~shall be~~ is estopped from asserting, as a defense to any claim covered by ~~said~~ the policy, that ~~such~~ the organization is immune from liability on the ground that it is a charitable organization. ~~The~~ Except as provided in section 158-C, subsection 2, the amount of damages in any such case ~~shall~~ may not exceed the limits of coverage specified in the policy, and the courts shall abate any verdict in any such action to the extent that it exceeds ~~such policy limit~~ the limits.

**Sec. 2. 14 MRSA §158-C** is enacted to read:

**§158-C. Limitation on immunity of charitable organizations**

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

A. "Charitable organization" has the same meaning as in section 158-B, subsection 3.

B. "Minor" means an individual who has not attained 18 years of age.

C. "Sexual assault or sexual exploitation of a minor" means any crime described in Title 17-A, chapters 11 or 12 against a minor.

**2. Recoverable damages.** Notwithstanding section 158, the amount of any insurance coverage specified in any policy issued to a charitable organization does not limit the amount of damages recoverable for any torts described in subsection 3.

**3. Immunity not available for sexual assault or sexual exploitation of a minor.** Notwithstanding any provision of law to the contrary, a charitable organization is not immune from liability for any tort alleging negligent hiring, supervision or retention of an employee, agent or servant that arises out of sexual assault or sexual exploitation of a minor.

**4. Immunity not available for intentional torts.** A charitable organization is not immune from liability for intentional torts.

**Sec. 3. Application.** Notwithstanding the Maine Revised Statutes, Title 1, section 302, this Act applies to any civil action or proceeding that is pending as of the effective date of this Act and applies retroactively to any tort described in Title 14, section 158-C that occurred prior to the effective date of this Act.

See title page for effective date.

**CHAPTER 352**

**H.P. 857 - L.D. 1343**

**An Act to Protect the Reproductive Freedom of Maine People by Preempting the Field of Abortion Regulation**

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

**Sec. 1. 22 MRSA §1598, sub-§1-A** is enacted to read:

**1-A. Preemption.** The State intends to occupy and preempt the entire field of legislation concerning the regulation of a person's decision to terminate a pregnancy and legislation concerning the provision of abortion. No political subdivision of the State, including, but not limited to, municipalities, counties, townships, plantations and village corporations, may adopt any order, ordinance, rule or regulation concerning the regulation of a person's decision to terminate a pregnancy or concerning the provision of abortion.

See title page for effective date.