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JUDICIARY

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STATE OF MAINE

SENATE

131ST LEGISLATURE

FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “ ” to S.P. 530, L.D. 1312, “An Act to Limit the Immunity of Charitable Organizations”

Amend the bill in section 2 in §158-C by striking out all of subsection 2 (page 1, lines 22 to 32 in L.D.) and inserting the following:

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.'

Amend the bill in section 2 in §158-C by striking out all of subsection 3 (page 1, lines 33 to 36 in L.D.) and inserting the following:

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.'

Amend the bill by striking out all of section 3 and inserting the following:

'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.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment clarifies that the provisions of this legislation apply to any civil action or proceeding that is pending as of the effective date of this legislation, any tortious conduct that occurred prior to the effective date of this legislation and any civil action or proceeding that occurs on or after the effective date of this legislation. It also makes a technical change

COMMITTEE AMENDMENT

1 to clarify that the amount of insurance coverage specified in a policy issued to a charitable
2 organization does not limit the amount of damages recoverable for intentional torts.