

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND NINETEEN

H.P. 363 - L.D. 506

**An Act To Provide Architects, Engineers and Certain Other Professionals
Immunity from Civil Liability When Volunteering for Evaluating Damage
from Disasters****Be it enacted by the People of the State of Maine as follows:****Sec. 1. 14 MRSA §172** is enacted to read:**§172. Liability related to professional services for natural disaster or catastrophe**

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

A. "Architect" means a person licensed as an architect under Title 32, chapter 3-A.

B. "Building inspection official" means a public official with executive responsibility to coordinate building inspection in the jurisdiction in which a natural disaster or catastrophe has occurred.

C. "Contractor" means a person engaged in the business of designing, developing, constructing, altering, adding to or repairing new or existing structures, buildings, facilities, project utilities, equipment, machines, processes, piping or other engineered systems or infrastructure or their appurtenances.

D. "Engineer" means a person licensed as a professional engineer under Title 32, chapter 19.

E. "Environmental official" means a public official with executive responsibility for coordinating an environmental response in the jurisdiction in which a natural disaster or catastrophe has occurred.

F. "Environmental professional" means a person engaged in the business of providing hazardous waste site clean-up services. "Environmental professional" includes a hazardous waste transporter licensed according to Title 38, section 1319-O.

G. "Land surveyor" means a person licensed as a professional land surveyor according to Title 32, chapter 141.

H. "Landscape architect" means a person licensed as a landscape architect under Title 32, chapter 3-A.

I. "Law enforcement official" means a public official with executive responsibility to coordinate law enforcement in the jurisdiction in which a natural disaster or catastrophe has occurred.

J. "Natural disaster or catastrophe" means an event, whether natural or human-made, that is declared an emergency by the President of the United States or by the Governor and that results in the deployment of emergency response personnel or the displacement of persons from the area of the event.

K. "Planner" means a person certified by the American Institute of Certified Planners, or successor organization, as a certified planner.

L. "Public official" means a federal, state or local appointed or elected official with executive responsibility in the jurisdiction in which a natural disaster or catastrophe has occurred.

M. "Public safety official" means a public official with executive responsibility to coordinate public safety in the jurisdiction in which a natural disaster or catastrophe has occurred.

2. Immunity. An architect, contractor, environmental professional, land surveyor, landscape architect, planner or engineer who voluntarily, without compensation other than expense reimbursement, and acting in good faith provides, under the applicable license or certification, architectural, structural, electrical, mechanical or other engineering, planning, land surveying, hazardous waste site clean-up, contracting or other professional design services related to a natural disaster or catastrophe at the request of or with the approval of a public official, law enforcement official, public safety official, building inspection official or environmental official believed by the architect, contractor, environmental professional, land surveyor, landscape architect, planner or engineer to be acting in an official capacity is not liable for any personal injury, wrongful death, property damage or other loss of any nature related to the architect's, contractor's, environmental professional's, land surveyor's, landscape architect's, planner's or engineer's acts, errors or omissions in the performance of engineering, architectural, planning, land surveying, hazardous waste site clean-up or contracting services for a site, a structure, a building, a facility, a project utility, equipment, a machine, a process, piping or some other engineered system, either publicly or privately owned.

3. Voluntary services. The immunity provided in this section applies to only voluntary architectural, structural, electrical, mechanical or other engineering, planning, land surveying, hazardous waste site clean-up, contracting or other professional design services related to a natural disaster or catastrophe that are provided during the natural disaster or catastrophe, unless the period of emergency is extended by an executive order issued by the President of the United States or the Governor under the President's or Governor's emergency executive powers.

4. Reckless or intentional misconduct. Nothing in this section provides immunity for reckless or intentional misconduct.

5. Liability of governmental entities and employees not affected; existing immunity. When an architect, contractor, environmental professional, land surveyor, landscape architect, planner or engineer voluntarily renders services at the request of or with the approval of a state or local official and when such services fall within the immunity of this section, the liability, if any, of governmental entities and their employees under chapter 741 is not affected by this section. The immunity provided in this section is in addition to immunity provided in Title 37-B, section 784-A.