

**§17436. Liability and immunity of trustees of the investment trust fund**

**1. Limited liability of trustees of the investment trust fund.** A trustee of the investment trust fund is not:

A. Personally liable for any liability, loss or expense suffered by the investment trust fund, unless such a liability, loss or expense arises out of or results from the willful misconduct or intentional wrongdoing of that trustee of the investment trust fund; [PL 2007, c. 240, Pt. RRR, §2 (NEW).]

B. Responsible for the adequacy of the investment trust fund to meet and discharge any obligation; or [PL 2007, c. 240, Pt. RRR, §2 (NEW).]

C. Required to take action to enforce the payment of any contribution or appropriation to the investment trust fund. [PL 2007, c. 240, Pt. RRR, §2 (NEW).]

[PL 2007, c. 240, Pt. RRR, §2 (NEW).]

**2. Immunity of trustees of the investment trust fund.** The trustees of the investment trust fund are immune from suit on any and all tort claims seeking recovery of damages to the same extent as governmental entities under the Maine Tort Claims Act.

[PL 2007, c. 240, Pt. RRR, §2 (NEW).]

**3. Legal representation and defense of trustees of the investment trust fund.** The Attorney General is legal counsel to the trustees of the investment trust fund and shall represent and defend the trustees of the investment trust fund, as a group and individually, in connection with any claim, suit or action at law arising out of the performance or nonperformance of any actions related to the investment trust fund to the same extent as provided for governmental entities in the Maine Tort Claims Act.

[PL 2007, c. 240, Pt. RRR, §2 (NEW).]

**4. Performance of essential governmental functions.** The exercise of the powers conferred by this article is held to be the performance of essential governmental functions.

[PL 2007, c. 240, Pt. RRR, §2 (NEW).]

**SECTION HISTORY**

PL 2007, c. 240, Pt. RRR, §2 (NEW).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 130th Maine Legislature and is current through October 1, 2022. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.