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An Act To Protect Persons Responding to an Emergency Situation Involving a Water Utility

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, natural disasters cannot often be predicted; and

Whereas, the State should have every tool possible in place to facilitate responses to natural disasters; and

Whereas, a responder should not fear suit should the responder enter an emergency situation to render assistance; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 14 MRSA §159-E is enacted to read:

§ 159-E. Limited liability for emergency response to water utilities

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

A. "Declared emergency" means an emergency that is declared by either state or municipal officials.

B. "Private company" means any company or corporation in the business of selling potable water for bulk or retail sale.

C. "Water utility" has the same meaning as in Title 35-A, section 102.

2. Limited liability. A private company or a water utility that responds or assists another water utility during a declared emergency is not liable for damages, injuries, civil liabilities or penalties that result from actions taken or omitted by the responding water utility or private company or their respective employees and staff in the course of rendering assistance.

3. Limitations. This section does not limit any liability that may otherwise exist for a willful, reckless or grossly negligent act or omission. The liability limitation under subsection 2 does not apply if the responding private company or water utility or their respective employees and staff are grossly negligent or engage in willful misconduct.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

SUMMARY

This bill limits the liability of a water utility or private company and employees and staff who perform water utility work and service for another water utility during a declared emergency.