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Date: (Filing No. S- )

**JUDICIARY**

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**STATE OF MAINE  
SENATE  
125TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 377, L.D. 1256, Bill, “An Act Concerning Tort Claims and Governmental Entities”

Amend the bill by inserting after the title and before the enacting clause the following:

**Mandate preamble.** This measure may require one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

**Sec. 1. 14 MRSA §8104-A, sub-§1-A** is enacted to read:

**1-A. Application.** For the purposes of subsection 1, "use" means employed by the governmental entity for its purposes or in connection with its activities. A governmental entity is liable for its negligent acts or omissions in connection with such use regardless of whether its employee is operating the vehicle, machinery or equipment at the time of the occurrence causing property damage or bodily injury, but a governmental entity is not liable for the negligence of any nongovernmental person or entity in connection with such use. A governmental entity may be jointly and severally liable with a nongovernmental person or entity only if the negligent acts or omissions of the governmental entity were a cause of the property damage or bodily injury. This subsection applies to acts and omissions occurring on or after January 1, 2013.

**Sec. 2. Appropriations and allocations.** The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**Risk Management - Claims 0008**

Initiative: Provides funds for one Assistant Risk Assessor position and related costs.

**COMMITTEE AMENDMENT**

1	<b>RISK MANAGEMENT FUND</b>	<b>2011-12</b>	<b>2012-13</b>
2	POSITIONS - LEGISLATIVE COUNT	1.000	1.000
3	Personal Services	\$48,308	\$65,925
4	All Other	\$8,500	\$8,500
5			
6	RISK MANAGEMENT FUND TOTAL	<u>\$56,808</u>	<u>\$74,425</u>
7			

8

**SUMMARY**

9 This amendment, which is the majority report of the committee, strikes and replaces  
10 the bill. It retains provisions from the bill regarding a governmental entity's liability for  
11 negligent acts or omissions and adds an application date of January 1, 2013 to provide  
12 sufficient time for governmental entities to obtain insurance or provide for self-insurance.  
13 This amendment adds a mandate preamble and an appropriations and allocations section.

14

**FISCAL NOTE REQUIRED**

15

**(See attached)**