130th MAINE LEGISLATURE

FIRST SPECIAL SESSION-2021

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An Act To Protect Maine Businesses, Nonprofits, Educational Institutions and Municipalities during the COVID-19 Pandemic

Received by the Clerk of the House on April 5, 2021. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

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

Sec. 1.  14 MRSA §173 is enacted to read:

§173. Limited liability for coronavirus exposure

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

A. "Business organization" means an enterprise, corporation, partnership, limited liability company, proprietorship, association, business trust, real estate trust or other form of organization that is carrying on a business activity within the State regardless of whether organized for gain or profit or organized as a nonprofit or tax-exempt organization.

B. "Coronavirus" means:

(1) Severe acute respiratory syndrome coronavirus 2; or

(2) Any ailment or disease caused or exacerbated by severe acute respiratory syndrome coronavirus 2.

C. "Gross negligence" means an act or omission that, when viewed objectively from the standpoint of the actor at the time of its occurrence, creates risk to 3rd parties by knowingly operating in violation of government standards and guidance related to coronavirus exposure in effect at the time of the alleged act.

2. Limitation of liability for exposure to coronavirus. Notwithstanding any provision of law to the contrary, a municipality, educational institution or business organization is not liable for personal injury resulting from or related to an actual or alleged exposure to coronavirus occurring in the course of the municipality's, educational institution's or business organization's activity, or in the course of a person working for the municipality, educational institution or business organization in any capacity, while following applicable government standards and guidance related to coronavirus exposure.

3. Liability exceptions. The limitation of liability under subsection 2 does not apply to personal injury resulting from or related to the actual or alleged exposure to coronavirus proven by clear and convincing evidence to be the result of:

A. Gross negligence;

B. Willful misconduct;

C. Intentional criminal conduct; or

D. Intentional infliction of harm.

4. Statute of limitations. An action against a municipality, educational institution or business organization for an alleged personal injury arising from coronavirus must be commenced no later than one year after the day the cause of action arises.

5. Construction. This section does not create a new cause of action or expand any liability otherwise imposed, limit any defense or affect the applicability of any law that affords greater protections to a defendant than provided in this section.
SUMMARY

This bill provides a limitation against liability for a municipality, educational institution or for-profit or nonprofit business organization from suit alleging personal liability due to exposure to coronavirus if the municipality, educational institution or business organization is following applicable government standards and guidance related to coronavirus exposure.