§158-C. Limitation on immunity of charitable organizations

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

A. "Charitable organization" has the same meaning as in section 158-B, subsection 3. [PL 2023, c. 351, §2 (NEW); PL 2023, c. 351, §3 (AFF).]

B. "Minor" means an individual who has not attained 18 years of age. [PL 2023, c. 351, §2 (NEW); PL 2023, c. 351, §3 (AFF).]

C. "Sexual assault or sexual exploitation of a minor" means any crime described in Title 17-A, chapter 11 or 12 against a minor. [RR 2023, c. 2, Pt. A, §22 (COR).]

[RR 2023, c. 2, Pt. A, §22 (COR).]

2. Recoverable damages. Notwithstanding section 158, the amount of any insurance coverage specified in any policy issued to a charitable organization does not limit the amount of damages recoverable for any torts described in subsection 3.

[PL 2023, c. 351, §2 (NEW); PL 2023, c. 351, §3 (AFF).]

3. Immunity not available for sexual assault or sexual exploitation of a minor. Notwithstanding any provision of law to the contrary, a charitable organization is not immune from liability for any tort alleging negligent hiring, supervision or retention of an employee, agent or servant that arises out of sexual assault or sexual exploitation of a minor.

[PL 2023, c. 351, §2 (NEW); PL 2023, c. 351, §3 (AFF).]

4. Immunity not available for intentional torts. A charitable organization is not immune from liability for intentional torts.

[PL 2023, c. 351, §2 (NEW); PL 2023, c. 351, §3 (AFF).]

SECTION HISTORY

PL 2023, c. 351, §2 (NEW). PL 2023, c. 351, §3 (AFF). RR 2023, c. 2, Pt. A, §22 (COR).

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