

# MAINE STATE LEGISLATURE

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1 (After Deadline)  
2 SECOND REGULAR SESSION  
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4 ONE HUNDRED AND TENTH LEGISLATURE  
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6 **Legislative Document**

**No. 1993**

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8 S. P. 860 In Senate, February 17, 1982  
Approved for introduction by a majority of the Legislative Council  
pursuant to Joint Rule 27.

Referred to the Committee on Local and County Government and  
ordered printed. Sent down for concurrence.

9 MAY M. ROSS, Secretary of the Senate  
Presented by Senator Perkins of Hancock.

Cosponsors: Senator Brown of Washington, Senator Pray of Pen-  
obscot and Senator Sutton of Oxford.

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11 STATE OF MAINE  
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13 IN THE YEAR OF OUR LORD  
14 NINETEEN HUNDRED AND EIGHTY-TWO  
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16 **AN ACT to Authorize Municipalities to**  
17 **Establish and Maintain Employment Offices.**  
18

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

20 26 MRSA §1084 is enacted to read:

21 §1084. Municipal employment service

22 1. Authorization. The legislative body of a municipi-  
23 ality may authorize its municipal officers or their desig-  
24 nee to enter into an agreement with the commissioner for the  
25 purpose of establishing and maintaining a free public  
26 employment office within that municipality.

27 2. Liability of the State. Notwithstanding any other  
28 provision of law or agreement to the contrary, for the pur-  
29 poses of this section, the municipality shall be considered  
30 an agent of the State and the municipal officials and  
31 employees shall be considered to be acting on behalf of the

1 State in its official capacity. The State shall indemnify,  
2 hold harmless and, with the consent of the municipality or  
3 its officials or employees, defend the municipality and its  
4 officials and employees against any claim which arises out  
5 of an act or omission occurring within the course or scope of  
6 employment for purposes of performing the duties within the  
7 purview of this section. If the defense of the municipality  
8 or its officials or employees creates a conflict of interest  
9 between the State and the municipality, official or  
10 employee, the State need not assume the defense; however,  
11 the State shall be liable for reasonable attorney's fees and  
12 court costs of the municipality, official or employee.

13 This subsection shall not apply if the municipality, offi-  
14 cial or employee settles the claim without the consent of  
15 the State, or if the municipality, official or employee does  
16 not notify the State within 30 days after receiving actual  
17 written notice of the claim against him or within 15 days  
18 after the service of the summons and complaint upon him and  
19 if the State is prejudiced thereby.

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#### STATEMENT OF FACT

21 This bill authorizes a municipality to establish and  
22 maintain a public employment office to act a clearinghouse  
23 for employers and employees. It also provides that while  
24 the municipality or its officials or employees are perform-  
25 ing this duty, they shall be indemnified by the State for  
26 actions which arise within the course or scope of performing  
27 these duties.

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