# MAINE STATE LEGISLATURE

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## 118th MAINE LEGISLATURE

### FIRST REGULAR SESSION-1997

Legislative Document

No. 739

H.P. 548

House of Representatives, February 4, 1997

An Act to Amend the Maine Tort Claims Act to Specifically Include Members of the Maine State Retirement System Medical Boards and Other Designated Physicians in the Definition of Employee.

Submitted by the Maine State Retirement System pursuant to Joint Rule 204. Reference to the Committee on Judiciary suggested and ordered printed.

OSEPH W. MAYO, Clerk

Presented by Representative HATCH of Skowhegan. Cosponsored by Senator CATHCART of Penobscot and Representatives: JOY of Crystal, SAMSON of Jay.

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

Sec. 1. 14 MRSA §8102, sub-§1, as amended by PL 1995, c. 196, Pt. D, §1, is further amended to read:

Employee. "Employee" means a person acting on behalf of a governmental entity in any official capacity, whether temporarily or permanently, and whether with or without compensation from local, state or federal funds, including elected or appointed officials; volunteer firefighters as defined in Title 30-A, section 3151; emergency medical service personnel; members and staff of the Consumer Advisory Board pursuant to Title 34-B, section 1216; members of the Maine National Guard but only while performing state active service pursuant to Title 37-B; members of the medical board or boards established under Title 5, section 17106, subsection 1 by the Board of Trustees of the Maine State Retirement System when those members are serving in that capacity and other physicians designated by the board of trustees under Title 4, section 1234 or Title 5, section 17106, subsection 2, when those physicians are serving in that capacity; and sheriffs' deputies as defined in Title 30-A, section 381 when they are serving orders pursuant to section 3135, but the term "employee" does not mean a person or other legal entity acting in the capacity of an independent contractor under contract to the governmental entity.

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### SUMMARY

Under current law, the Board of Trustees of the Maine State Retirement System is authorized to obtain the services of physicians to assist the Maine State Retirement System by reviewing medical information related to applications for and continuation of disability retirement benefits and providing to the retirement recommendations system. The board authorized to establish one or more medical boards and also to obtain the services of other physicians as needed to advise on medical information in disability cases. This bill extends coverage under the Maine Tort Claims Act to the members of the retirement system's medical boards and its other board-designated physicians, when serving in these capacities.