

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND THIRTEENTH LEGISLATURE
4

5 Legislative Document

NO. 68
6

7 H.P. 65 House of Representatives, January 26, 1987
8 Reference to the Committee on Aging, Retirement and
Veterans suggested and ordered printed.

9 EDWIN H. PERT, Clerk
10 Presented by Speaker MARTIN of Eagle Lake.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-SEVEN
16

17 AN ACT Relating to the Maine Veterans' Homes.
18

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

21 Sec. 1. 14 MRSA §8102, sub-§4, as amended by PL
22 1985, c. 695, §9, is further amended to read:

23 4. State. "State" means the State of Maine or
24 any office, department, agency, authority, commis-
25 sion, board, institution, hospital or other instru-
26 mentality thereof, including the Maine Turnpike Au-
27 thority, the Maine Port Authority, the Maine Voc-
28 ational-Technical Institute System, the Maine Veter-
29 ans' Homes and all such other state entities.

30 Sec. 2. 37-B MRSA §604, sub-§8 is enacted to
31 read:

1 8. Assistance. Every department and agency of
2 the State, when requested, may furnish such assist-
3 ance, counsel or advice as the board may require in
4 the discharge of its duties.

5 STATEMENT OF FACT

6 The purpose of this bill is to clarify the status
7 of the Maine Veterans' Homes as a governmental entity
8 within the meaning of the Maine Tort Claims Act so
9 that the homes will enjoy the same benefits with re-
10 spect to tort immunity as other state agencies and
11 instrumentalities. In addition, the bill would pro-
12 vide that other agencies and departments of State
13 Government may provide such assistance, counsel and
14 advice to the Board of Trustees of the Maine Veter-
15 ans' Homes when requested by the board in the dis-
16 charge of its duties.

17 This bill is necessary at this time following the
18 issuance of a memorandum of counsel from the Attorney
19 General's Office to the administrator of the home in
20 which it was concluded that there is significant
21 doubt as to the status of the Maine Veterans' Home as
22 a governmental entity under the Maine Tort Claims
23 Act.

24 Section 1 of the bill amends the definition of
25 the term "State" Title 14, section 8102, subsection
26 4, the Maine Tort Claims Act, to include the Maine
27 Veterans' Homes so that the homes will be entitled to
28 the same immunity from tort liability, which is
29 available to state agencies, authorities and depart-
30 ments.

1 Section 2 of the bill authorizes the board of
2 trustees of the homes to call upon departments and
3 agencies of the State to provide such assistance and
4 counsel and advice as the board may be in need of in
5 the discharge of its duties. This would include uti-
6 lizing the services of the Bureau of Purchases, when
7 necessary, the Attorney General's Office, for legal
8 advice and representation, and other agencies and de-
9 partments of the State which may be in a position to
10 provide assistance to the homes.
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