MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document   NO. 907

H.P. 674   House of Representatives, March 24, 1987
     Reference to the Committee on Judiciary suggested and
ordered printed.
                              EDWIN H. PERT, Clerk
Presented by Representative KILKELLY of Wiscasset.
     Cosponsored by Representative COLES of Harpswell,
Senators CAHILL of Sagadahoc and SEWALL of Lincoln.

STATE OF MAINE

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

1   AN ACT to Limit Personal Liability of
2   Volunteer Firemen and Volunteer
3   Ambulance Drivers.
4

5   Emergency preamble. Whereas, Acts of the Legis-
6   lature do not become effective until 90 days after
7   adjournment unless enacted as emergencies; and

8   Whereas, nonprofit incorporated ambulance and
9   fire services are vitally important to the health and
10   well-being of the people of this State, particularly
11   in rural areas; and

12   Whereas, liability insurance coverage for these
13   services has been or shortly will be cancelled be-
14   cause of their unlimited liability; and

1   Whereas, these services are quasi-governmental in
2   nature and similar to fire protection and other gov-
3   ernmental services; and

4   Whereas, in the judgment of the Legislature,
5   these facts create an emergency within the meaning of
6   the Constitution of Maine and require the following
7   legislation as immediately necessary for the preser-
8   vation of the public peace, health and safety; now,
9   therefore,

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

12   Sec. 1. 14 MRSA §8102, sub-§3, as amended by PL
13   1985, c. 765, §3, is further amended to read:

14   3. Political subdivision. "Political subdivi-
15   sion" means any city, town, plantation, county, ad-
16   ministrative entity or instrumentality created pursu-
17   ant to Title 30, chapters 203 and 204-A, quasi-munic-
18   ipal corporation and special purpose district, in-
19   cluding, but not limited to, any water district, san-
20   itary district, hospital district and school district
21   of any type, any nonprofit incorporated ambulance
22   service licensed under Title 32, chapter 2-B or any
23   volunteer fire association as defined by Title 30,
24   chapter 228.

25   Sec. 2. 30 MRSA §1205, as enacted by PL 1973, c.
26   680, §3, is amended to read:

27   §1205. Insurance for firefighters and ambulance ser-
28   vices

29   Any county may expend funds to be accounted for
30   as other moneys money of the county for the purchase
31   of accident and disability insurance on a county-wide
32   basis, protecting all persons whether part-time,
33   full-time or on call, and whether paid or unpaid,
34   while acting as firefighters for any municipal fire
35   department or incorporated volunteer fire association
36   or while acting as emergency medical services persons
37   for any nonprofit incorporated ambulance service li-
38   censed under Title 32, chapter 2-B.

1   **Emergency clause.** In view of the emergency cited
2   in the preamble, this Act shall take effect when ap-
3   proved.

4   STATEMENT OF FACT

5   The purpose of this bill is to place nonprofit
6   incorporated ambulance services and volunteer fire
7   associations clearly under the provisions of the
8   Maine Tort Claims Act. These services, though in
9   many instances volunteer in nature, perform an
10   invaluable quasi-governmental service, particularly
11   in the rural parts of the State. Like ambulance and
12   fire departments, some services are part of municipal
13   government and some are nonprofit corporations.
14   Though both perform the identical functions, their
15   liability exposure and, thus, their insurance costs
16   are radically different. The nonprofit corporations
17   are presently suffering from an insurance crisis,
18   with escalating rates and, in some instances, com-
19   plete cancellation. This crisis threatens to disrupt
20   these beneficial civic services, by placing the non-
21   profit ambulance services and volunteer fire associa-
22   tions on the same footing as municipal ambulance and
23   fire services.

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