

MAINE STATE LEGISLATURE

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(EMERGENCY)
(New Draft of H.P. 674, L.D. 907)
(New Title)
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1777

H.P. 1299 House of Representatives, June 9, 1987
Reported by Representative PARADIS from the Committee on
Judiciary and printed under Joint Rule 2.

EDWIN H. PERT, Clerk
Original bill sponsored 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 Clarify and Limit Personal**
2 **Liability of Volunteer Firemen and**
3 **Volunteer 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, these services are quasi-governmental in
13 nature and similar to fire protection and other gov-
14 ernmental services; and

1 Whereas, the Maine Tort Claims Act does not
2 clearly cover these services; and

3 Whereas, clear coverage of these services by the
4 Maine Tort Claims Act is essential to limit the lia-
5 bility of these services and assist them in procuring
6 necessary insurance; and

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

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

15 **Sec. 1. 14 MRSA §8102, sub-§1, as amended by PL**
16 **1977, c. 696, §165, is further amended to read:**

17 1. Employee. "Employee" means a person acting on
18 behalf of the governmental entity in any official ca-
19 pacity, whether temporarily or permanently, and
20 whether with or without compensation from local,
21 state or federal funds, including elected or ap-
22 pointed officials, volunteer firefighters as defined
23 in Title 30, section 3771, ~~rescue-squad-members-where~~
24 ~~the-rescue-squad-receives-full-or--partial--financial~~
25 ~~support--from-political-subdivisions,~~ emergency medi-
26 cal service personnel and Maine National Guardsmen
27 while in active state service under Title 37-A, sec-
28 tions 57 and 207 and while engaged in the Domestic
29 Action Program, but the term "employee" shall not
30 mean a person or other legal entity acting in the ca-
31 capacity of an independent contractor under contract to
32 the governmental entity.

33 **Sec. 2. 14 MRSA §8102, sub-§1-A is enacted to**
34 **read:**

35 1-A. Emergency medical service. "Emergency medi-
36 cal service" means a nonprofit, incorporated ambu-
37 lance service or first responder service licensed un-
38 der Title 32, chapter 2-B, receiving full or partial
39 financial support from or officially recognized by

1 personnel acting for a nonprofit, incorporated, li-
2 censed ambulance service or first responder service
3 and such a service itself. To be included in the
4 Maine Tort Claims Act the service must receive some
5 funding, or otherwise be officially recognized, by a
6 governmental entity. The governmental entity may ex-
7 pressly authorize the emergency medical service to
8 perform only certain activities on its behalf. In
9 such a case, the emergency medical service would not
10 be covered by the Maine Tort Claims Act when it is
11 acting outside the scope of those authorized activi-
12 ties.

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