

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## FIRST REGULAR SESSION - 1989

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Legislative Document

No. 343

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S.P. 186

In Senate, February 22, 1989

Reference to the Committee on Judiciary suggested and ordered printed.

*Joy J. O'Brien*

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator GAUVREAU of Androscoggin.

Cosponsored by Representative SMALL of Bath, Representative CONLEY of Portland and Representative HANLEY of Paris.

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### STATE OF MAINE

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

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An Act to Include Sheriffs' Deputies in the Maine Tort Claims Act.

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

3             **14 MRSA §8102, sub-§1**, as repealed and replaced by PL 1987,  
c. 769, Pt. A, §52, is amended to read:

5             1. Employee. "Employee" means a person acting on behalf of  
7     the governmental entity in any official capacity, whether  
temporarily or permanently, and whether with or without  
9     compensation from local, state or federal funds, including  
elected or appointed officials; volunteer firefighters as  
11    defined in ~~Title 30, section 3771~~, Title 30-A, section 3151;  
emergency medical service personnel; ~~and~~; Maine National  
13    Guardsmen while receiving state active duty pay under Title 37-B,  
section 143, in accordance with Title 37-B, sections 181 to 183  
15    and 742, and while engaged in the Domestic Action Program; and  
sheriffs' deputies as defined in Title 30-A, section 381 when  
17    they are serving orders pursuant to section 3135, but the term  
"employee" shall not mean a person or other legal entity acting  
19    in the capacity of an independent contractor under contract to  
the governmental entity.

21  
23                             **STATEMENT OF FACT**

25             This bill extends coverage of the Maine Tort Claims Act to  
27     cover sheriffs' deputies when they are required to serve a civil  
order of arrest as defined in the Maine Revised Statutes, Title  
29     14, section 3135.