



# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

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Legislative Document

No. 783

S.P. 342

In Senate, February 21, 2023

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**An Act to Protect Certain Private Emergency Services Personnel  
from Liability Under the Maine Tort Claims Act**

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Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator VITELLI of Sagadahoc.  
Cosponsored by Senator: DAUGHTRY of Cumberland, Representatives: ANKELES of  
Brunswick, CLUCHEY of Bowdoinham, HEPLER of Woolwich, JAUCH of Topsham,  
PAULHUS of Bath, SACHS of Freeport.

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

2 **Sec. 1. 14 MRSA §8102, sub-§1**, as amended by PL 2003, c. 489, §1, is repealed  
3 and the following enacted in its place:

4 **1. Employee.** "Employee" means a person acting on behalf of a governmental entity  
5 in any official capacity, whether temporarily or permanently, and whether with or without  
6 compensation from local, state or federal funds, including:

7 A. Elected or appointed officials;

8 B. Volunteer firefighters as defined in Title 30-A, section 3151, subsection 4;

9 C. Emergency medical services personnel, except that a person who is a private  
10 firefighter, a private emergency medical services employee or an employee of another  
11 private service that provides an emergency response is an employee for purposes of  
12 this chapter only if the person is acting without compensation and either at the request  
13 of a governmental entity or in response to a life-threatening emergency;

14 D. Members of the Maine National Guard but only while performing state active  
15 service pursuant to Title 37-B;

16 E. Sheriff's deputies as described in Title 30-A, section 381 when they are serving  
17 orders pursuant to section 3135; and

18 F. Persons while performing a search and rescue activity when requested by a state,  
19 county or local governmental entity.

20 "Employee" does not mean a person or other legal entity acting in the capacity of an  
21 independent contractor under contract to the governmental entity.

22 **SUMMARY**

23 This bill specifies that a person who is a private firefighter, a private emergency  
24 medical services employee or an employee of another private service that provides an  
25 emergency response is an employee for purposes of the Maine Tort Claims Act only under  
26 certain conditions.