

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-THREE

—
S.P. 342 - L.D. 783

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

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

Sec. 1. 14 MRSA §8102, sub-§1, as amended by PL 2003, c. 489, §1, is repealed and the following enacted in its place:

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

- A. Elected or appointed officials;
- B. Volunteer firefighters as defined in Title 30-A, section 3151, subsection 4;
- C. Emergency medical services personnel;
- D. Members of the Maine National Guard but only while performing state active service pursuant to Title 37-B;
- E. Sheriff's deputies as described in Title 30-A, section 381 when they are serving orders pursuant to section 3135;
- F. Persons while performing a search and rescue activity when requested by a state, county or local governmental entity; and
- G. Mutual aid emergency response personnel.

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

Sec. 2. 14 MRSA §8102, sub-§1-B is enacted to read:

1-B. Mutual aid emergency response employer. "Mutual aid emergency response employer" means the Bath Iron Works Corporation or its successor solely with respect to mutual aid emergency response personnel acting pursuant to a mutual aid agreement with a state or municipal entity or in response to a request for aid from a state or municipal entity.

Sec. 3. 14 MRSA §8102, sub-§1-C is enacted to read:

1-C. Mutual aid emergency response personnel. "Mutual aid emergency response personnel" means the professionally trained firefighting, emergency medical service or rescue personnel employed by the Bath Iron Works Corporation or its successor when acting pursuant to a mutual aid agreement with a state or municipal entity or in response to a request for aid from a state or municipal entity.

Sec. 4. 14 MRSA §8102, sub-§3, as amended by PL 2011, c. 520, §1, is further amended to read:

3. Political subdivision. "Political subdivision" means any city, town, plantation, county, administrative entity or instrumentality created pursuant to Title 30-A, chapters 115 and 119, incorporated fire-fighting unit that is organized under Title 13-B and is officially recognized by any authority created by statute, quasi-municipal corporation and special purpose district, including, but not limited to, any water district, sanitary district, hospital district, school district of any type, an airport authority established pursuant to Title 6, chapter 10, any volunteer fire association as defined in Title 30-A, section 3151, a transit district as defined in Title 30-A, section 3501, subsection 1, a regional transportation corporation as defined in Title 30-A, section 3501, subsection 2, a transit district or regional transportation corporation formed under the laws of another state that would qualify as a transit district or regional transportation corporation under Title 30-A, chapter 163 if formed under the laws of this State ~~and~~, any emergency medical service and a mutual aid emergency response employer.