



# Maine County Commissioners Association

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[www.maine counties.org](http://www.maine counties.org)

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## ***LD 783, An Act to Protect Certain Private Emergency Services Personnel from Liability Under the Maine Tort Claims Act***

April 6, 2023

Chair Carney, Chair Moonen, and members of the Joint Standing Committee on Judiciary, my name is Stephen Gorden and in addition to serving as a member of the board of commissioners for Cumberland County, I am writing today in my role as chair of the legislative policy committee of the Maine County Commissioners Association. We appreciate the opportunity to provide testimony *neither for nor against* LD 783.

**About MCCA.** Briefly, the Maine County Commissioners Association was established in 1890 to assist Maine's county government in providing vital services to Maine citizens in a responsive, efficient, and credible manner. The Association is based in Augusta, represents all 16 of Maine's counties, and is governed by a board with representation from each participating county.

**Discussion.** Firefighters and emergency medical services employees are crucial to keeping our communities safe and healthy. Unfortunately, it has become difficult for many counties, especially rural counties, to maintain adequate levels of personnel to fill these roles and perform this important work.

Maine's Tort Claims Act provides certain immunities from tort claims for individuals who act on behalf of a governmental entity in official capacity, temporarily or permanently, and with or without compensation from local, state, or federal funds. Such individuals are defined as "employees." Under LD 783, the term "employee" would be narrowed in the case of "emergency medical services personnel" by excluding a private firefighter, a private emergency medical services employee or an employee of another private service that provides an emergency response unless the person is acting: (1) without compensation; and (2) either at the request of a governmental entity or in response to a life-threatening emergency. If passed, such private emergency services personnel would not be covered by the Maine Tort Claims Act if they were compensated, nor would they be covered if they were acting without the request of a government entity or in response to a life-threatening emergency. Under the latter provision, a volunteer responder who is responding without the request of government and in response to an event that is not life-threatening would also not be covered by the Tort Claims Act.

As a form of local government, counties employ firefighters and private emergency medical services employees to provide necessary services for our communities. It is not clear how narrowing the scope of the Maine Tort Claims Act with regard to individuals responding to fire or medical emergencies assists local governments in dealing with staffing limitations in this field. While our Association does not take a position on this bill, we write to question the necessity of this bill, to provide information regarding the challenges that many counties currently face in hiring and maintaining emergency medical services employees, and to provide insight as to the potentially detrimental effect that LD 783 may have on counties as drafted.

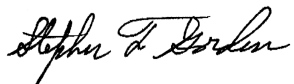
**Conclusion.** We appreciate the opportunity to provide testimony on this bill, and if you have questions or need additional information, please do not hesitate to let us know.

Respectfully submitted,

**Comments of MCCA re LD 783**

**April 6, 2023**

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A handwritten signature in black ink, appearing to read "Stephen T. Gorden". The signature is fluid and cursive, with the first name "Stephen" and last name "Gorden" clearly legible.

Stephen Gorden

Chair, Legislative Policy Committee

cc: Commissioner Richard Dutremble, President, MCCA  
James I. Cohen, Verrill Dana, LLP, MCCA Legislative Counsel