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JUDICIARY

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STATE OF MAINE

SENATE

131ST LEGISLATURE

FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “ ” to S.P. 342, L.D. 783, “An Act to Protect Certain Private Emergency Services Personnel from Liability Under the Maine Tort Claims Act”

Amend the bill in section 1 in subsection 1 in paragraph C in the first 5 lines (page 1, lines 9 to 13 in L.D.) by striking out the following: "except that a person who is a private firefighter, a private emergency medical services employee or an employee of another private service that provides an emergency response is an employee for purposes of this chapter only if the person is acting without compensation and either at the request of a governmental entity or in response to a life-threatening emergency"

Amend the bill in section 1 in subsection 1 in paragraph E in the last line (page 1, line 17 in L.D.) by striking out the following: "and"

Amend the bill in section 1 in subsection 1 in paragraph F in the last line (page 1, line 19 in L.D.) by striking out the following: "entity." and inserting the following: 'entity; and'

Amend the bill in section 1 in subsection 1 by inserting after paragraph F the following: 'G. Mutual aid emergency response personnel.'

Amend the bill by inserting after section 1 the following:

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

COMMITTEE AMENDMENT

1 acting pursuant to a mutual aid agreement with a state or municipal entity or in response to
2 a request for aid from a state or municipal entity.

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

5 **3. Political subdivision.** "Political subdivision" means any city, town, plantation,
6 county, administrative entity or instrumentality created pursuant to Title 30-A, chapters
7 115 and 119, incorporated fire-fighting unit that is organized under Title 13-B and is
8 officially recognized by any authority created by statute, quasi-municipal corporation and
9 special purpose district, including, but not limited to, any water district, sanitary district,
10 hospital district, school district of any type, an airport authority established pursuant to
11 Title 6, chapter 10, any volunteer fire association as defined in Title 30-A, section 3151, a
12 transit district as defined in Title 30-A, section 3501, subsection 1, a regional transportation
13 corporation as defined in Title 30-A, section 3501, subsection 2, a transit district or regional
14 transportation corporation formed under the laws of another state that would qualify as a
15 transit district or regional transportation corporation under Title 30-A, chapter 163 if
16 formed under the laws of this State ~~and~~, any emergency medical service and a mutual aid
17 emergency response employer.'

18 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
19 number to read consecutively.

20 SUMMARY

21 This amendment removes an exception to emergency medical services personnel and
22 adds mutual aid emergency response personnel to the definition of "employee" for purposes
23 of tort claims. The amendment clarifies that private emergency response units employed
24 by the Bath Iron Works Corporation or its successor are considered employees for the
25 purposes of the Maine Tort Claims Act only when the units are acting pursuant to a mutual
26 aid agreement with a state or municipal entity or in response to a request for aid from a
27 state or municipal entity.