

§8102. Definitions

As used in this chapter, unless the context otherwise indicates, the following words shall have the following meanings. [PL 1977, c. 2, §2 (NEW).]

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; [PL 2023, c. 311, §1 (NEW).]
- B. Volunteer firefighters as defined in Title 30-A, section 3151, subsection 4; [PL 2023, c. 311, §1 (NEW).]
- C. Emergency medical services personnel; [PL 2023, c. 311, §1 (NEW).]
- D. Members of the Maine National Guard but only while performing state active service pursuant to Title 37-B; [PL 2023, c. 311, §1 (NEW).]
- E. Sheriff's deputies as described in Title 30-A, section 381 when they are serving orders pursuant to section 3135; [PL 2023, c. 311, §1 (NEW).]
- F. Persons while performing a search and rescue activity when requested by a state, county or local governmental entity; and [PL 2023, c. 311, §1 (NEW).]
- G. Mutual aid emergency response personnel. [PL 2023, c. 311, §1 (NEW).]

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

[PL 2023, c. 311, §1 (RPR).]

1-A. Emergency medical service. "Emergency medical service" means:

A. A nonprofit, incorporated ambulance service or nontransporting emergency medical service licensed under Title 32, chapter 2-B, receiving full or partial financial support from or officially recognized by the State, a municipality or county or an entity created under Title 30-A, chapter 115 or 119, except when the emergency medical service is acting outside the scope of activities expressly authorized by the State, municipality, county or entity created under Title 30-A, chapter 115 or 119; and [PL 2005, c. 398, §1 (NEW).]

B. A for-profit, incorporated ambulance service or nontransporting emergency medical service licensed under Title 32, chapter 2-B only when the emergency medical service is acting within the scope of emergency response activities expressly authorized by a contract between the emergency medical service and the State, municipality, county or entity created under Title 30-A, chapter 115 or 119. [PL 2005, c. 398, §1 (NEW).]

[PL 2005, c. 398, §1 (RPR).]

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.

[PL 2023, c. 311, §2 (NEW).]

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.

[PL 2023, c. 311, §3 (NEW).]

2. Governmental entity. "Governmental entity" means and includes the State and political subdivisions as defined in subsection 3.

[PL 1977, c. 2, §2 (NEW).]

2-A. Permitted by this chapter or permitted under this chapter. "Permitted by this chapter" or "permitted under this chapter," as applied to claims or actions against a governmental entity or its employees, shall be construed to include all claims or actions expressly authorized by this Act against a governmental entity and all common law claims or actions against employees for which immunity is not expressly provided by this Act.

[PL 1985, c. 599, §§1, 4 (NEW).]

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, any emergency medical service and a mutual aid emergency response employer.

[PL 2023, c. 311, §4 (AMD).]

4. State. "State" means the State of Maine or any office, department, agency, authority, commission, board, institution, hospital or other instrumentality of the State, including the Maine Turnpike Authority, the Maine Port Authority, the Northern New England Passenger Rail Authority, the Maine Community College System, the Maine Veterans' Homes, the Maine Public Employees Retirement System, the Maine Military Authority and all such other state entities.

[PL 2001, c. 374, §5 (AMD); PL 2003, c. 20, Pt. OO, §2 (AMD); PL 2003, c. 20, Pt. OO, §4 (AFF); PL 2007, c. 58, §3 (REV).]

SECTION HISTORY

PL 1977, c. 2, §§2,5 (NEW). PL 1977, c. 591, §6 (AMD). PL 1977, c. 696, §165 (AMD). PL 1979, c. 68, §5 (AMD). PL 1985, c. 599, §§1,4 (AMD). PL 1985, c. 695, §9 (AMD). PL 1985, c. 765, §3 (AMD). PL 1987, c. 11, §1 (AMD). PL 1987, c. 218, §1 (AMD). PL 1987, c. 386, §§1-3 (AMD). PL 1987, c. 737, §§C27,C28, C106 (AMD). PL 1987, c. 769, §A52 (AMD). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,C10 (AMD). PL 1989, c. 233 (AMD). PL 1989, c. 349, §1 (AMD). PL 1989, c. 443, §21 (AMD). PL 1989, c. 878, §A42 (AMD). PL 1993, c. 410, §L44 (AMD). PL 1995, c. 161, §1 (AMD). PL 1995, c. 196, §D1 (AMD). PL 1995, c. 543, §1 (AMD). PL 1997, c. 234, §1 (AMD). PL 2001, c. 374, §5 (AMD). PL 2003, c. 20, §OO2 (AMD). PL 2003, c. 20, §OO4 (AFF). PL 2003, c. 489, §1 (AMD). PL 2005, c. 398, §1 (AMD). PL 2005, c. 399, §1 (AMD). PL 2007, c. 58, §3 (REV). PL 2007, c. 563, §2 (AMD). PL 2011, c. 520, §1 (AMD). PL 2023, c. 311, §§1-4 (AMD).

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