

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1752

H.P. 1288

House of Representatives, March 27, 2001

**An Act to Update the Department of Defense, Veterans and Emergency
Management Laws.**

Submitted by the Department of Defense, Veterans and Emergency Management pursuant to Joint Rule 204.

Reference to the Committee on Legal and Veterans Affairs suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative TUTTLE of Sanford.
Cosponsored by Senator DOUGLASS of Androscoggin and
Representative CLARK of Millinocket.

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

2
4 **Sec. 1. 5 MRSA §7051, sub-§4, ¶A**, as amended by PL 1989, c. 443, §11, is repealed.

6 **Sec. 2. 5 MRSA §7051, sub-§4, ¶¶B and C**, as enacted by PL 1985, c. 785, Pt. B, §38, are repealed.

8
10 **Sec. 3. 5 MRSA §7051, sub-§4, ¶D**, as amended by PL 1989, c. 443, §11, is repealed.

12 **Sec. 4. 5 MRSA §17655, sub-§2**, as amended by PL 1987, c. 402, Pt. A, §§70 and 71, is further amended to read:

14 **2. Other military benefits.** Any employee who satisfies the
16 criteria of subsection 1, paragraph B, is entitled to all the
18 benefits of Title 26, section 7051, subsection 4 811.

20 **Sec. 5. 5 MRSA §18258, sub-§2**, as amended by PL 1987, c. 402, Pt. A, §§72 and 73, is further amended to read:

22 **2. Other military benefits.** Any employee who satisfies the
24 criteria of subsection 1, paragraph B, is entitled to all the
benefits of Title 26, section 7051, subsection 4 811.

26 **Sec. 6. 14 MRSA §8111, sub-§1, ¶D**, as repealed and replaced by PL 1987, c. 740, §8, is amended to read:

28 D. Performing or failing to perform any prosecutorial
30 function involving civil, criminal or administrative
enforcement; or

32 **Sec. 7. 14 MRSA §8111, sub-§1, ¶E**, as enacted by PL 1987, c.
34 740, §8, is amended to read:

36 E. Any intentional act or omission within the course and
38 scope of employment; provided that such immunity ~~shall~~ does
not exist in any case in which an employee's actions are
found to have been in bad faith; or

40 **Sec. 8. 14 MRSA §8111, sub-§1, ¶F** is enacted to read:

42 F. Any act by a member of the Maine National Guard within
44 the course and scope of employment; except that immunity
46 does not exist when an employee's actions are in bad faith
or in violation of military orders while the employee is
48 performing active state service pursuant to Title 37-B.

50 **Sec. 9. 20-A MRSA §13603, first ¶**, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

