

MAINE STATE LEGISLATURE

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February 12, 1976

Leslie B. Higgins

Civil Emergency Preparedness

Robert J. Stolt, Assistant

Attorney General

P.L. 1975, c. 452

This will respond to your memorandum of January 6, 1976, in which you ask:

"1. Whether P.L. 1975, c. 452 grants immunity to police officers, firemen or other governmental employees whose jobs require the giving of such assistance; and,

"2. Whether P.L. 1975, c. 452 grants immunity to non-profit ambulance or rescue services and their employees which do not charge fees for services?"

Our answer to both questions is yes. Chapter 452 extends civil liability immunity to "any person who voluntarily, without the expectation of monetary or other compensation, renders first aid, emergency treatment or rescue assistance to a person who is unconscious, ill, injured or in need of rescue assistance. . . ." The purpose of c. 452, as stated in its statement of fact (L.D. 1910)

". . . is to provide immunity to all persons who voluntarily render first aid, emergency treatment or rescue assistance to persons in need of it and to repeal the present provisions of the statutes which provide such immunity to the more limited groups of ski patrols, licensed ambulance personnel, physicians and nurses."

Chapter 452 was enacted to expand immunity to all persons who voluntarily render first aid, etc. However, chapter 452 creates an ambiguity with respect to immunity of publicly employed emergency first aid and rescue personnel by use of the terms "voluntary" and "without expectation of monetary or other compensation." The ambiguity raised is whether the terms exclude from immunity the public employee whose job entails giving of emergency assistance without expectation of compensation for the emergency first aid or rescue assistance rendered from the person aided or rescued. The intent of chapter 452 specifically repealed 32 M.R.S.A. § 76 which included the language "from the person aided or treated."

In view of the repeal of that language, I think there is sufficient question as to the immunity of public employees engaged in emergency first aid and rescue activities to warrant amendment of chapter 452 by inserting the language "from the person aided or treated."

RJS/ec

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