

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 419

H. P. 336

House of Representatives, January 29, 1975

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Curran of South Portland.

Cosponsor: Mrs. Post of Owl's Head.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT Relating to the Liability of Physicians and Surgeons Rendering Emergency Care.

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

32 MRSA, § 3291, as enacted by PL 1971, c. 591, § 1, is repealed and the following enacted in place thereof:

§ 3291. Immunity of licensee rendering emergency care

Notwithstanding any inconsistent provision of any general, special or local law, any person who is licensed under this chapter and who voluntarily, without the expectation of monetary compensation from the person aided or treated, renders first aid, initial emergency medical aid procedure or emergency treatment to a person who is unconscious, ill or injured, shall not be liable for damages for injuries alleged to have been sustained by such person or for damages for the death of such person alleged to have occurred by reason of an act or omission in the rendering of such first aid, initial emergency medical aid procedure or emergency treatment, unless it is established that such injuries were or such death was caused willfully, wantonly or by gross negligence on the part of such person.

STATEMENT OF FACT

The purpose of this bill is to encourage the rendering of medical care by licensed physicians and surgeons under emergency conditions which call for immediate and vital decisions concerning necessary medical aid. This bill provides to licensed physicians and surgeons protection similar to that granted to ambulance personnel under 32 MRSA, § 76.