

MAINE STATE LEGISLATURE

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(EMERGENCY)
FIRST SPECIAL SESSION

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 2226

H. P. 2051

House of Representatives, February 18, 1976

Approved for Introduction by a Majority of the Committee on Reference of Bills pursuant to Joint Order S.P. 635, as amended. Referred to the Committee on Legal Affairs and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Martin of St. Agatha.
Cosponsor: Mr. Carpenter of Houlton.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SIX

**AN ACT to Clarify the Authority of the National Guard in Providing
Emergency Medical Services.**

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the existing situation regarding the utilization of National Guard personnel and equipment to render emergency medical service urgently requires clarification; and

Whereas, the continuation of emergency missions as are now being performed is immediate jeopardy; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore

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

Sec. 1. 22 MRSA § 3283, 2nd ¶, as enacted by PL 1975, c. 623, § 30, and as amended by PL 1975, c. 293, § 4, is further amended by adding at the end the following new sentence:

In addition to other payments authorized by this section, the Department of Human Services shall, upon receipt of an annual accounting as authorized

under Title 37-A section 207-A, transfer to the Department of Defense and Veterans Services a sum not to exceed \$10,000 from money appropriated pursuant to this section as reimbursement for costs of rendering emergency medical service, including, but not limited to, the costs of liability insurance.

Sec. 2. 37-A MRSA § 207-A is enacted to read:

§ 207-A. Human health emergencies

1. Governor or designee to order into active service. In the event of illness or injury creating an emergency which requires specialized personnel of the National Guard or specialized equipment of the National Guard to prevent human suffering or loss of life, the Governor or his designated authority, shall have the power to order into the active service of the State or in aid of any civil authority such personnel and equipment of the National Guard or other authorized state military or naval forces as he may deem proper.

2. Immunity from civil liability. Any person ordered into active service of the State for the purposes of this section shall be immune from civil liability for damages to the same extent as any person who voluntarily renders assistance pursuant to Title 14, section 164.

3. Accounting of expenses. At least 30 days before the end of each fiscal year, the Adjutant General shall prepare an accounting of all expenses incurred pursuant to this section since any prior accounting and shall present the accounting to the Commissioner of Human Services for payment pursuant to Title 22, section 3283.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACT

The purpose of this bill is to clarify the authority of the National Guard in providing emergency medical service, protect guardsmen from liability for providing this service and provide a source of funding to support this service.