

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 343

H. P. 278

House of Representatives, February 9, 1977

Referred to the Committee on Judiciary. Sent up for concurrence and 1,800 copies ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Drinkwater of Belfast.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT to Clarify the Authority of Members of Volunteer and Governmental Organizations to Render Emergency Assistance.

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

Sec. 1. 14 MRSA § 164, 1st sentence, as amended by PL 1975, c. 679, § 1, is further amended to read:

Notwithstanding any inconsistent provisions of any public or private and special law, any person who voluntarily, **either individually or as a member of a nonprofit volunteer or governmental ambulance, rescue or emergency unit, including police and firefighting units,** without the expectation of monetary or other compensation from the person aided or treated, renders first aid, emergency treatment or rescue assistance to a person who is unconscious, ill, injured or in need of rescue assistance, shall not be liable for damages for injuries alleged to have been sustained by such person nor 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, emergency treatment or rescue assistance, unless it is established that such injuries or such death were caused willfully, wantonly or recklessly or by gross negligence on the part of such person.

Sec. 2. 14 MRSA § 164, as last amended by PL 1975, c. 679, § 1, is further amended by adding after the first sentence the following new sentence:

This section shall apply to members of nonprofit volunteer or governmental ambulance, rescue or emergency units, whether or not a user or service fee may be charged by the unit or governmental entity.

STATEMENT OF FACT

The purpose of this bill is to clarify the status of those persons who, while rendering emergency services, are paid or unpaid members of nonprofit ambulance, rescue or emergency units or similar governmental or government-sponsored units. It is the intent of this legislation to clarify that immunity from suit extends to such persons, even though the volunteer nonprofit or governmental unit may receive some compensation or similar remuneration directly or indirectly from the party aided. Such immunity does not extend, however, to those situations where the person rendering assistance himself receives direct remuneration or compensation from the person aided.