

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 886

H. P. 706

House of Representatives, March 9, 1977

On Motion of Mr. Spencer of Standish referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Pearson of Old Town.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT to Clarify the Nonliability of Physicians and other Persons Submitting Reports to the Secretary of State Relating to the Physical and Mental Status of Motor Vehicle Operators.

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

Sec. 1. 29 MRSA § 547, sub-§ 4, as enacted by PL 1971, c. 464, is repealed and the following enacted in its place:

4. **Nonliability.** Notwithstanding Title 32, section 3295, or any other provisions of law, physicians and other persons, including committee members and their designates, shall not be held liable for the disclosure of information acquired in attending, examining or treating a person in a professional capacity when such information is disclosed to the Secretary of State or the committee for the purpose of assisting them in determining whether the person is qualified to be licensed. This subsection shall apply whether the information is disclosed pursuant to a request from the Secretary of State or on the initiative of the physician.

Sec. 2. 29 MRSA § 547, sub-§ 5, as enacted by PL 1971, c. 464, is amended to read:

5. **Confidential.** Reports received or made by the committee, or its members or the Secretary of State, for the purpose of assisting the department in determining whether a person is qualified to be licensed, are for the confidential use of the committee or the department and may not be divulged to any person, except the applicant or licensed driver may have a copy of the report upon request.

STATEMENT OF FACT

The purpose of this bill is to broaden the nonliability provided by this section to include professional people with the Medical Advisory Committee and those submitting reports through the Medical Advisory Committee.