

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

New Draft of: S. P. 159, L. D. 436
(New Title)

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1583

S. P. 460

In Senate, April 14, 1977

Reported by Senator Snowe of Androscoggin from the Committee on Health and Institutional Services, and printed under Joint Rule No. 2.

MAY M. ROSS, Secretary

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT to Provide Civil Immunity for Persons Participating in
Administering Immunizing Agents.

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

22 MRSA § 906 is repealed and the following enacted in its place:

§ 906. Epidemics

1. Orders and regulations. In case of emergency or threatened epidemic of disease which may affect more than one municipality, the department may, if it shall appear necessary and proper for the protection of life and health, make such further orders and regulations as, in its opinion, the public exigency may require. Such orders and regulations shall become effective immediately on their promulgation.

2. Public immunization. Notwithstanding any inconsistent provision of any other law, the following provisions shall apply when a public immunization program is necessitated.

A. In the event that the Director of the Bureau of Health determines that there is a threatened epidemic or emergency which necessitates public immunization, a public immunization program may be carried out by the department.

B. No person who works as a volunteer in a public immunization program, without the expectation or receipt of monetary compensation for any aspect of implementing such a program, shall be liable:

(1) For damages or injuries alleged to have been sustained by a person immunized under the program; nor

(2) For damages for the death of a person immunized under the program, unless it is established that the injuries or the death were caused willfully, wantonly, recklessly or by gross negligence by the volunteer.

STATEMENT OF FACT

The purpose of this bill is to provide immunity from civil liability for volunteers who participate in public immunization programs, except in cases in which injuries or death are caused willfully or by gross negligence. Persons who receive compensation for such participation are not covered by this legislation.