

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1466

S.P. 531

In Senate, May 4, 1989

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator GILL of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

An Act to Waive Restrictions on Certain Physicians.



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

3 **24 MRSA §2904-A is enacted to read:**

5 **§2904-A. Immunity from civil liability for retired volunteer**
7 **activities**

9 Notwithstanding any inconsistent provision of any public or
11 private and special law, a retired physician who voluntarily,
13 without the expectation or receipt of monetary or other
15 compensation, provides professional services to a person within
17 the scope of the physician's licensure shall not be liable for
19 damages or injuries alleged to have been sustained by the person
nor for damages for the death of the person when the injuries or
death are alleged to have occurred by reason of an act or
omission in the rendering of professional services, unless it is
established that the injuries or the death were caused willfully,
wantonly, recklessly or by gross negligence of the retired
licensed physician.

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STATEMENT OF FACT

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Many retiring and retired doctors are unable to perform professional services on a volunteer basis due to the high cost of malpractice insurance. This bill would extend the immunity provisions contained in current law to cover retired physicians providing services on a volunteer basis, whether or not a nonprofit agency or state agency is involved.