

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 714

S.P. 256

Received by the Secretary, February 19, 1991

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator GILL of Cumberland

Cosponsored by Representative MANNING of Portland, Representative CLARK of Brunswick and Senator BOST of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act to Waive Restrictions on Certain Physicians.



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

24 MRSA §2904-A is enacted to read:

§2904-A. Immunity from civil liability for retired physicians
providing volunteer service

Notwithstanding any inconsistent provision of any public or private and special law, a retired physician who voluntarily, without the expectation or receipt of monetary or other compensation, provides professional services to a person within the scope of the physician's licensure is not liable for 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.

STATEMENT OF FACT

Many 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 licensed physicians providing services on a volunteer basis, whether or not a nonprofit agency or state agency is involved.