

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 528

S.P. 163

In Senate, February 17, 1993

An Act to Amend the Laws Concerning Immunity from Civil Liability.

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 CONLEY of Cumberland.

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

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4 Sec. 1. 14 MRSA §164, as amended by PL 1977, c. 69, is
repealed and the following enacted in its place:

6 §164. Immunity from civil liability

8 1. Persons subject to immunity. Notwithstanding any
10 inconsistent provisions of any public or private and special law,
12 the following persons are immune from civil liability as outlined
14 in subsection 2:

16 A. A person who voluntarily, without expectation of
18 monetary or other compensation from the person aided or
20 treated, renders first aid, emergency treatment or rescue
22 assistance to a person who is unconscious, ill, injured or
24 in need of rescue assistance;

26 B. A person who is a member or employee of a nonprofit
28 volunteer or government ambulance, rescue or emergency unit,
30 whether or not a user or service fee is charged by that unit
32 and whether or not the member or employee receives a salary
34 or other compensation from that unit; and

36 C. A person who is enrolled as a student in an accredited
38 college or university and who is authorized to provide
40 medical, counselling, legal or other professional services
42 to indigent persons or a federal, state or local government
44 unit when:

46 (1) The recipient is not charged a fee for those
48 services;

(2) The provision of those services is supervised by a
faculty member or licensed professional; and

(3) The services are provided by the student as part
of a clinical program or course or as a volunteer or
employee of a government agency or nonprofit
organization that regularly provides similar services,
whether or not the student receives academic credit,
salary or other compensation from the school,
government agency or nonprofit organization.

2. Scope of immunity. A person described in subsection 1
is not civilly liable for damages, including bodily injury and
death, alleged to have occurred by reason of an act or omission
in the rendering of first aid, emergency treatment, rescue

2 assistance or other professional services unless it is
3 established that the damages were caused willfully, wantonly or
4 recklessly or by gross negligence on the part of that person.
5 This section may not be construed to require a person who is ill
6 or injured to receive first aid or emergency treatment if the
7 person objects to that treatment on religious grounds. This
8 section does not apply if first aid or emergency treatment or
9 assistance is rendered on the premises of a hospital or medical
10 clinic.

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STATEMENT OF FACT

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This bill expands the existing laws governing immunity from civil liability to apply to students engaged in clinical programs in their schools and to members or employees of nonprofit volunteer ambulance rescue and emergency units.