

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1993

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Legislative Document

No. 803

S.P. 266

In Senate, March 9, 1993

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**An Act to Provide Immunity for Private Physicians in Public Hospitals.**

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Submitted by the Department of Mental Health and Mental Retardation pursuant to Joint Rule 24.

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 BALDACCI of Penobscot.

Cosponsored by Senator: FOSTER of Hancock, Representatives: PLOWMAN of Hampden, SAXL of Bangor.

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

Sec. 1. 34-B MRSA §3861, sub-§2, as enacted by PL 1983, c. 459, §7, is amended to read:

2. State mental health institute. The chief administrative officer of a state mental health institute:

A. May receive for observation, diagnosis, care and treatment in the hospital any person whose admission is applied for under section 3831 or 3863; and

B. ~~Shall~~ May receive for observation, diagnosis, care and treatment in the hospital any person whose admission is applied for under section 3864 or is ordered by a court.

Any person contracting with a state mental institute when admitting, treating or discharging a patient under the provisions of sections 3863 and 3864 under a contract with the department for purposes of civil liability is deemed to be a governmental entity or an employee of a governmental entity under the Maine Tort Claims Act, Title 14, chapter 741.

#### STATEMENT OF FACT

The purpose of this bill is to afford contractors with the Department of Mental Health and Mental Retardation the same protection under the Maine Tort Claims Act, as contractors with nonstate mental institutions have under the Maine Revised Statutes, Title 34-B, section 3861, subsection 1.