

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 320

S.P. 128

In Senate, January 31, 1995

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### An Act to Clarify Immunity from Civil Suit for Volunteer Activities.

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Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS  
Secretary of the Senate

Presented by Senator ABROMSON of Cumberland.  
Cosponsored by Senators: AMERO of Cumberland, LORD of York, RAND of Cumberland,  
Representatives: CAMPBELL of Holden, MAYO of Bath, RICHARDSON of Portland,  
ROWE of Portland, STONE of Bangor, TUTTLE of Sanford.

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

4 **Sec. 1. 24 MRSA §2904**, as amended by PL 1989, c. 74, §1, is  
further amended to read:

6 **§2904. Immunity from civil liability for volunteer activities**

8 Notwithstanding any inconsistent provision of any public or  
private and special law, no licensed physician, podiatrist as  
10 defined in Title 32, section 3551 or dentist as defined in Title  
32, section 1081, who voluntarily, without the expectation or  
12 receipt of monetary or other compensation, provides professional  
services within the scope of that physician's ~~or~~ podiatrist's or  
14 dentist's licensure to a nonprofit organization or to an agency  
of the State or any political subdivision of the State or to  
16 members or recipients of services of that organization or state  
or local agency may be liable for damages or injuries alleged to  
18 have been sustained by the person nor for damages for the death  
of the person when the injuries or death are alleged to have  
20 occurred by reason of an act or omission in the rendering of  
professional services, unless it is established that the injuries  
22 or the death were caused willfully, wantonly, recklessly or by  
gross negligence of the licensed physician ~~or~~ podiatrist or  
24 dentist.

26 **STATEMENT OF FACT**

28 This bill clarifies that medical professionals who volunteer  
30 services for county or municipal agencies are entitled to the  
same protection from civil liability as those who volunteer for a  
32 nonprofit corporation or a state agency. The bill makes it clear  
that medical professionals who volunteer services to a city  
34 clinic are accorded the same status as medical professionals who  
volunteer services to a state clinic.