

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 328

S.P. 142

In Senate, January 31, 1995

**An Act to Provide Immunity from Civil Liability Regarding Emergency
Care.**

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 HATHAWAY of York.

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

2
4 Sec. 1. 14 MRSA §164, as amended by PL 1977, c. 69, is repealed and the following enacted in its place: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 Immunity from civil liability for those who provide emergency care is granted pursuant to this section.

10
12 **1. Emergency care.** A person who in good faith gives emergency care or assistance to an injured person at the scene of an accident, fire or a life-threatening emergency or en route to a hospital, medical clinic or doctor's office is not liable for civil damages for acts or omissions in giving that care or assistance if the care was provided without the expectation of monetary compensation from the person aided.

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20 **2. Emergency obstetrical care.** A person or health care provider who in the absence of gross negligence gives emergency obstetrical care or assistance to a woman in active labor is not liable for civil damages for acts or omissions in giving that emergency care or assistance. This immunity applies only if the woman in labor was not previously cared for in connection with the pregnancy by the person providing the emergency care or by another professional associated with that person and the woman's medical records are not reasonably available. The immunity granted applies only to the emergency care provided.

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32 **3. Emergency medical services persons.** An emergency medical services person licensed by the State who in good faith and without compensation gives emergency care or assistance is not liable for civil damages for acts or omissions in giving that emergency care, including acts or omissions that involve violations of state laws. This immunity applies whether the assistance is provided in person or by telephone or other means of communication and whether that assistance is provided at the scene of the emergency or during transportation of the injured or ill person to or from any medical facility or between medical facilities. For the purposes of this subsection, the term "compensation" does not include money received by an emergency medical services person from a nonprofit volunteer or governmental ambulance, rescue or emergency unit.

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46 **4. Cardiopulmonary resuscitation.** A person who has successfully completed a course in cardiopulmonary resuscitation offered by the American Heart Association or the American Red Cross and who in good faith and without compensation administers emergency cardiopulmonary resuscitation, cardiac defibrillation or other emergency life-sustaining or resuscitative treatments or

2 procedures to a sick or injured person is qualified to administer
3 those emergency procedures and is not liable for acts or
4 omissions resulting from administering those emergency
5 procedures. This immunity applies whether the assistance is
6 provided at the scene of the emergency or during transportation
7 of the person to or from a hospital, clinic, doctor's office or
8 other medical facility. For the purposes of this subsection, the
9 term "compensation" does not include the salaries of police, fire
10 or other public officials or emergency services personnel who
11 give emergency assistance.

12 **5. Emergency care instructions.** A licensed physician who
13 directs the provision of emergency medical services through
14 written instructions or through a communications device is not
15 liable for any civil damages for an act or omission in
16 administering those emergency medical services unless the act or
17 omission was the result of the physician's gross negligence or
18 willful misconduct.

20 **Sec. 2. 20-A MRSA §4009, sub-§4,** as enacted by PL 1981, c.
21 693, §§5 and 8, is repealed and the following enacted in its
22 place:

24 **4. Emergency medical assistance.** Immunity from civil
25 liability for providing emergency medical assistance is granted
26 pursuant to Title 14, section 164.

28 **Sec. 3. 32 MRSA §93-A, sub-§1,** as amended by PL 1991, c. 588,
29 §25, is repealed and the following enacted in its place:

30 **1. Emergency medical treatment supervision.** Immunity from
31 civil liability for a physician giving instructions over a
32 communications device for providing emergency medical assistance
33 is granted pursuant to Title 14, section 164.

36 **Sec. 4. 32 MRSA §2594,** as amended by PL 1993, c. 600, Pt. A,
37 §183, is repealed and the following enacted in its place:

38 **§2594. Immunity of licensee giving emergency care**

39 Immunity from civil liability for an osteopathic physician
40 giving emergency care at the scene of an accident is granted
41 pursuant to Title 14, section 164.

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47
48 **STATEMENT OF FACT**

49 The purpose of this bill is to provide immunity from civil
50 liability for physicians, health care providers and private

2 citizens who in good faith provide emergency care at the scene of
an accident or en route to a hospital. It repeals scattered
4 statutory provisions providing different levels of immunity for
specific groups of people and enacts one comprehensive
6 provision. The bill provides that any physician who assists in
emergency procedures, any citizen who acts in good faith or any
8 emergency medical services person who provides emergency care
without any direct compensation is exempt from liability except
in cases involving gross negligence.
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