

MAINE STATE LEGISLATURE

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1008

L.D. 1170

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 839, L.D. 1170, Bill, "An Act to Expand Access to Medical Care by Encouraging Involvement of Retired Physicians, Podiatrists and Dentists"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

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

§2904. Immunity from civil liability for volunteer activities

Notwithstanding any inconsistent provision of any public or private and special law, ~~no~~ a licensed physician, podiatrist as defined in Title 32, section 3551 or dentist as defined in Title 32, section 1081, who voluntarily, without the expectation or receipt of monetary or other compensation, provides professional services within the scope of that physician's ~~or~~ podiatrist's or dentist's licensure to a nonprofit organization or to an agency of the State or to members or recipients of services of that organization or state agency ~~may-be~~ 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 licensed physician ~~or~~ podiatrist or dentist. A licensed physician, podiatrist or dentist who has retired from practice is not liable for damages unless it is established that the injuries or death were caused

COMMITTEE AMENDMENT

willfully or wantonly. This extended immunity applies only if
the licensed physician, podiatrist or dentist retired from
practice possessed an unrestricted license in the relevant
profession and had not been disciplined by the licensing board in
the previous 5 years at the time of the act or omission causing
the injury.'

Further amend the bill by inserting at the end before the
statement of fact the following:

FISCAL NOTE

This bill may decrease the number of civil suits filed in
the court system. The Judicial Department may realize some minor
savings from reductions of workload and administrative costs
associated with the minimal number of cases that will no longer
be filed. Reductions in the collection of filing fees may
decrease General Fund revenue by minor amounts.'

STATEMENT OF FACT

This amendment replaces the original bill with language that
more clearly describes the extended immunity granted to retired
physicians, podiatrists and dentists volunteering their services
at a nonprofit organization or state agency. The amendment
provides that members of those professions who have retired but
who still have an unrestricted license to practice and have not
been disciplined in the past 5 years are immune from suit unless
it is established that the injury or death was caused willfully
or wantonly. Under current law, physicians, podiatrists and
dentists are immune from suit unless it is established that the
injury or death was caused willfully, wantonly, recklessly or by
gross negligence. The amendment also adds a fiscal note to the
bill.