

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

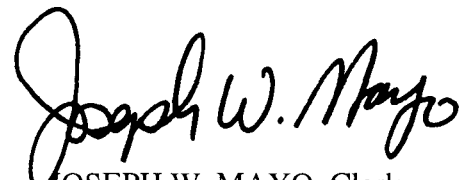
No. 1170

H.P. 839

House of Representatives, April 4, 1995

**An Act to Expand Access to Medical Care by Encouraging Involvement
of Retired Physicians, Podiatrists and Dentists.**

Reference to the Committee on Judiciary suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative PLOWMAN of Hampden.
Cosponsored by Representative: JONES of Bar Harbor.

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 to members or recipients of services of that
16 organization or state agency may be liable for damages or
injuries alleged to have been sustained by the person nor for
18 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
20 the rendering of professional services, unless it is established,
in the case of a physician, podiatrist or dentist in active
22 practice, that the injuries or the death were caused willfully,
wantonly, recklessly or by gross negligence of the licensed
24 physician ~~or~~ podiatrist or dentist or, in the case of a
physician, podiatrist or dentist who has retired from active
26 practice, that the physician, podiatrist or dentist retired due
to censure by a professional regulatory board or under an
28 agreement with a professional regulatory board as the result of a
complaint or did not act in good faith.

30
32 **STATEMENT OF FACT**

34 This bill expands immunity from liability for retired
physicians, podiatrists and dentists who volunteer their services
36 within the scope of their license to a nonprofit organization or
an agency of the State. It also makes technical corrections to
38 reflect the intent of current law.