

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 1306

H.P. 925

House of Representatives, April 12, 1995

**An Act to Amend the Laws Governing Civil Liability for Individual  
Medical Providers with Whom the Department of Corrections Contracts.**

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Submitted by the Department of Corrections pursuant to Joint Rule 24.  
Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink, reading "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative CLARK of Millinocket.  
Cosponsored by Representative: PENDLETON of Scarborough, Senator: CAREY of Kennebec.

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

4                   **Sec. 1. 34-A MRSA §1213** is enacted to read:

6           **§1213. Contract to provide medical care**

8                   Any individual medical provider contracting with the  
10                   department when providing medical care within a correctional or  
12                   detention facility pursuant to section 3031, subsection 2 under a  
14                   contract with the department is deemed for purposes of civil  
16                   liability to be an employee of a governmental entity under the  
18                   Maine Tort Claims Act, Title 14, chapter 741.

20                                   **STATEMENT OF FACT**

22                   This bill allows the Department of Corrections to have the  
24                   Maine Youth Center's physician and any other individual medical  
26                   personnel with whom the department contracts to provide medical  
care at a departmental facility to be deemed an employee of a  
governmental entity for purposes of civil liability. This does  
not cover medical personnel providing medical care to clients,  
including prisoners, outside a departmental facility, nor does it  
cover medical personnel providing medical care within a facility  
as part of a contract with a prison health care agency, hospital  
or other group medical provider.