

MAINE STATE LEGISLATURE

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5/16/10

Date: 3/16/10

Minority

JUDICIARY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1235, L.D. 1738, Bill, "An Act To Establish a Duty To Report Serious Injuries"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 14 MRSA §222 is enacted to read:

§222. Duty to notify

1. Duty. A person who is 18 years of age or older and who observes that another person has received a serious bodily injury shall immediately report that injury to and shall request first aid by the quickest means of communication available from a police department, emergency dispatch center, licensed medical facility or licensed medical provider. For purposes of this section, "serious bodily injury" has the meaning set forth in Title 17-A, section 2, subsection 23.

A. The duty imposed by this subsection applies regardless of whether the injury was self-inflicted intentionally, recklessly, negligently or accidentally.

B. This section may not be interpreted to impose a duty to provide first aid or other medical treatment.

C. The duty imposed by this subsection is satisfied if another person has already made or agreed to make the report and request for first aid.

D. The duty imposed by this subsection applies only to the extent that the person can do so without danger or peril to self or others.

2. Violation. A person who intentionally or knowingly violates subsection 1 commits a civil violation for which a fine of not more than \$100 may be adjudged.

3. Civil cause of action not created. Nothing in this section creates a civil cause of action against a person who fails to comply with the duty described in subsection 1.

COMMITTEE AMENDMENT

SUMMARY

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This amendment is the minority report of the committee and replaces the bill. It creates a new civil violation focused on the knowing or intentional failure to report and request first aid for another person who has suffered serious bodily injury. The duty applies regardless of whether the injury was self-inflicted intentionally, recklessly, negligently or accidentally. It does not impose a duty to provide first aid or other medical treatment. The duty is satisfied if another person has already made or agreed to make the report and request for first aid. The duty applies unless making the report and the request for first aid would create danger or peril to the person making the report or others. The creation of the duty does not create a civil cause of action for failing to comply with the duty.

FISCAL NOTE REQUIRED

(See attached)



124th MAINE LEGISLATURE

LD 1738

LR 2285(02)

An Act To Establish a Duty To Report Serious Injuries

Fiscal Note for Bill as Amended by Committee Amendment "A"
Committee: Judiciary
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

Establishes new civil violations.
The collection of additional fines may also increase General Fund revenue by minor amounts.

Fiscal Detail and Notes

Additional costs to the Department of Public Safety associated with enforcement of the provisions of the bill can be absorbed within existing budgeted resources.