

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

SECOND REGULAR SESSION-2018

Legislative Document

No. 1716

H.P. 1196

House of Representatives, December 22, 2017

**An Act To Protect Persons Who Provide Assistance to Law
Enforcement Dogs, Search and Rescue Dogs and Service Dogs**

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 19, 2017. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT
Clerk

Presented by Representative FAY of Raymond.
Cosponsored by Senator DIAMOND of Cumberland and
Representatives: BAILEY of Saco, BATTLE of South Portland, COREY of Windham,
ESPLING of New Gloucester, HARRINGTON of Sanford, MASTRACCIO of Sanford,
PERRY of Calais, TUELL of East Machias.

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

2 **Sec. 1. 14 MRSA §164-B** is enacted to read:

3 **§164-B. Immunity from civil liability for assistance given to law enforcement dogs,**
4 **search and rescue dogs and service dogs**

5 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
6 following terms have the following meanings.

7 A. "Emergency medical services person" means a person who is licensed to provide
8 emergency medical treatment. "Emergency medical services person" includes
9 emergency medical technicians and paramedics.

10 B. "Law enforcement dog" means a dog trained for law enforcement use that is
11 actively certified pursuant to federal, national, regional or state standards and that is
12 owned or maintained by a law enforcement agency or other governmentally funded
13 agency for law enforcement or security services.

14 C. "Law enforcement dog handler" means a law enforcement officer or security
15 professional who is trained to partner with a law enforcement dog in the performance
16 of the law enforcement officer's or security professional's duties, who is actively
17 certified pursuant to federal, national, regional or state standards and who is qualified
18 to train, care for and work with a law enforcement dog.

19 D. "Search and rescue dog" means a dog that is certified as a search and rescue dog
20 by the Department of Inland Fisheries and Wildlife, Bureau of Warden Service or
21 that is in training to become a search and rescue dog with an organization recognized
22 by the Bureau of Warden Service to provide such training.

23 E. "Service dog" has the same meaning as "service animal" in Title 5, section 4553,
24 subsection 9-E.

25 **2. Immunity.** Notwithstanding any provision of any public or private and special
26 law to the contrary, an emergency medical services person or a law enforcement dog
27 handler who voluntarily, without the expectation of monetary or other compensation,
28 renders first aid, emergency treatment or rescue assistance to a law enforcement dog,
29 search and rescue dog or service dog that is unconscious, ill, injured or in need of rescue
30 assistance is not liable for damages for an injury alleged to have been sustained by the
31 dog nor for damages for the death of the dog alleged to have occurred by reason of an act
32 or omission in the rendering of the first aid, emergency treatment or rescue assistance
33 unless it is established that the injury or the death was caused willfully, wantonly or
34 recklessly or by gross negligence on the part of the emergency medical services person or
35 law enforcement dog handler.

36 **3. Application.** This section applies to a member or employee of a nonprofit
37 volunteer or governmental ambulance, rescue or emergency unit, whether or not a user or
38 service fee may be charged by the nonprofit unit or the governmental entity and whether
39 or not the member or employee receives a salary or other compensation from the
40 nonprofit unit or the governmental entity.

1 This section applies to a law enforcement dog handler who voluntarily renders first aid,
2 emergency treatment or rescue assistance to a law enforcement dog, search and rescue
3 dog or service dog, to the extent the handler has received training in the medical
4 stabilization of dogs and is authorized by the handler's employer to provide such care.

5 This section does not apply if the first aid, emergency treatment or rescue assistance is
6 rendered on the premises of a veterinary hospital or clinic.

7

SUMMARY

8 This bill extends Good Samaritan liability protection to cover emergency medical
9 services persons and law enforcement dog handlers who treat law enforcement dogs,
10 search and rescue dogs and service dogs in emergency situations.