

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

One Hundred and Seventh Legislature

AT THE

1ST SPECIAL SESSION

JANUARY 19, 1976 TO APRIL 29, 1976

AND

2ND SPECIAL SESSION

JUNE 14, 1976

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 164, SUBSECTION 6.

PORTLAND LITHOGRAPH COMPANY
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PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
One Hundred and Seventh Legislature
AT THE FIRST SPECIAL SESSION
January 19, 1976 to April 29, 1976
AND THE SECOND SPECIAL SESSION
June 14, 1976

Supplementary to the Acts and Resolves of the Regular Session

[supplied from page 3097 of volume]

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

Sec. 1. 22 MRSA § 3853, last sentence, as enacted by PL 1965, c. 68 and as repealed and replaced by PL 1975, c. 167, § 1, is repealed.

Sec. 2. 22 MRSA § 3853, as enacted by PL 1965, c. 68, and as repealed and replaced by PL 1975, c. 167, § 1, is amended by adding at the end the following new paragraph:

This section does not require any person to report when the factual basis for knowing or suspecting child abuse or neglect came from treatment of the individual for suspected child abuse or neglect, the treatment was sought by the individual for a problem relating to child abuse or neglect and in the opinion of the person required to report, the child's life or health is not immediately threatened.

Effective July 29, 1976

CHAPTER 679

AN ACT to Clarify the Authority of the National Guard in Providing Emergency Medical Services.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the existing situation regarding the utilization of National Guard personnel and equipment to render emergency medical service urgently requires clarification; and

Whereas, the continuation of emergency missions as are now being performed is in immediate jeopardy; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore

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

Sec. 1. 14 MRSA § 164, 1st sentence, as repealed and replaced by PL 1975, c. 452, § 1, is amended to read:

Notwithstanding any inconsistent provisions of any public or private and special law, any person who voluntarily, without the expectation of monetary or other compensation from the person aided or treated, renders first aid, emergency treatment or rescue assistance to a person who is unconscious, ill, injured or in need of rescue assistance, shall not be liable for damages for injuries alleged to have been sustained by such person nor for damages for the death of such person alleged to have occurred by reason of an act or omission in the rendering of such first aid, emergency treatment or rescue assistance, unless it is established that such injuries or such death were caused willfully, wantonly or recklessly or by gross negligence on the part of such person.

Sec. 2. 22 MRSA § 3283, 2nd ¶, as enacted by PL 1975, c. 623, § 30, and as amended by PL 1975, c. 293, § 4, is further amended by adding at the end the following new sentence:

In addition to other payments authorized by this section, the Department of Human Services shall, upon receipt of an accounting as authorized under Title 37-A, section 207-A, transfer to the Department of Defense and Veterans Services a sum not to exceed \$10,000 from money appropriated pursuant to this section as reimbursement for costs of rendering emergency medical service, including, but not limited to, the costs of liability insurance.

Sec. 3. 37-A MRSA § 207-A is enacted to read:

§ 207-A. Human health emergencies

1. Governor or designee to order into active service. In the event of illness or injury creating an emergency which requires specialized personnel of the National Guard or specialized equipment of the National Guard to prevent human suffering or loss of life, the Governor or his designated authority, shall have the power to order into the active service of the State or in aid of any civil authority such personnel and equipment of the National Guard or other authorized state military or naval forces as he may deem proper.

2. Immunity from civil liability. Any person ordered into active service of the State for the purposes of this section shall be immune from civil liability for damages to the same extent as any person who voluntarily renders assistance pursuant to Title 14, section 164.

3. Accounting of expenses. Whenever personnel or equipment of the National Guard are ordered into state service pursuant to this section, the Adjutant General shall prepare an accounting of all expenses incurred and shall present the accounting to the Commissioner of Human Services for payment pursuant to Title 22, section 3283.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective March 24, 1976

CHAPTER 680

AN ACT to Amend the Medical Practices Act.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the present Medical Practices Act is in need of immediate revision in order to allow the enforcement of reasonable standards with respect to the practices of physicians' assistants; and