

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
113TH LEGISLATURE  
SECOND REGULAR SESSION



BILL SUMMARY  
JOINT STANDING COMMITTEE  
ON  
JUDICIARY

MAY 1988

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Sen. Henry W. Black

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\* Denotes Chair

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**ONE HUNDRED AND THIRTEENTH LEGISLATURE  
FIRST & SECOND SPECIAL SESSIONS  
SECOND REGULAR SESSION**

**JOINT STANDING COMMITTEE  
BILL SUMMARIES  
MAY 1988**

*This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The summaries are arranged by LD number under each committee.*

*All Adopted Amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor for floor amendments. Final action is listed to the right of the title. If final House and Senate action differ, both are listed. Committee Reports and Floor Action are indicated as follows::*

<b>OTP</b>	<b>Ought to Pass</b>
<b>OTP-ND</b>	<b>Ought to Pass in New Draft</b>
<b>OTP-ND-NT</b>	<b>Ought to Pass in New Draft, New Title</b>
<b>OTP-A</b>	<b>Ought to Pass as Amended</b>
<b>ONTP</b>	<b>Ought Not to Pass</b>
<b>LVWD</b>	<b>Leave to Withdraw</b>
<b>INDEF PP</b>	<b>Indefinitely Postponed</b>

*Each individual summary was prepared by the analyst assigned, as noted for each committee. But, this document was produced by the efforts of all the office staff, including Secretaries: Charlene Brann, Janet Jean, Earl Knox, Valarie Parlin; Research Assistant Hartley Palleschi. Finally, Secretary Laurette Knox, Legal Assistant Carolyn Chick, and Research Assistant Robert Dunn had special responsibilities in the preparation of the overall document.*

*Please give us your suggestions and comments on these summaries and tell us of any inaccuracies.*

Committee Amendment "A" (H-601) rewrote the entire bill to clarify that divorce actions cannot be reopened by a 3rd-party blood relative of the child unless that person has been awarded visitation privileges under an existing court order.

**LD** An Act to Provide Immunity from Civil Liability for Certain **PUBLIC**  
**2519** Emergency Medical Service System Participants **638**

SPONSOR(S) COMMITTEE REPORT AMENDMENTS ADOPTED  
GREENLAW  
DILLENBACK  
DEXTER  
CARROLL

SUMMARY  
New Draft Of LD 1453

The original bill, LD 1453, sought to provide immunity from civil liability for emergency medical service councils, and relevant faculty, instructors, hospital personnel, and hospitals when participating in teaching and training activities leading to the licensure of EMS personnel. LD 1453 would have given similar immunity to those physicians, nurses, and hospitals providing emergency care ordered by a medical control physician where that care was consistent with the EMS system's protocols and quality assurance guidelines. The immunity would have applied when the individual, organization, or institution had acted in good faith, with reasonable care, and, as applicable, upon probable cause.

The new draft, LD 2519, provides limited immunity from civil liability to hospitals, physicians and health care practitioners in 2 situations:

1. The bill provides immunity from civil liability for negligence in the providing of instructions to an emergency medical services person transporting a patient only if the instructions are in accordance with established protocols. The instructions given are to be documented.
2. The bill provides immunity from vicarious liability for the civil liability of a person being trained as an emergency medical services person. The immunity does not apply if the person being trained is an employee of the hospital or trainer.