



# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

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Legislative Document

No. 195

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H.P. 151

House of Representatives, January 24, 2017

### An Act Amending the So-called "Good Samaritan" Laws

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Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative GINZLER of Bridgton.  
Cosponsored by Senator KEIM of Oxford and  
Representatives: GUERIN of Glenburn, LOCKMAN of Amherst, MOONEN of Portland,  
PICKETT of Dixfield, STEARNS of Guilford, TUELL of East Machias, WADSWORTH of  
Hiram, WARD of Dedham.

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

2 **Sec. 1. 14 MRSA §164**, as amended by PL 1977, c. 69, is further amended to read:

3 **§164. Immunity from civil liability**

4 Notwithstanding any inconsistent provisions of any public or private and special law,  
5 any person who voluntarily, without the expectation of monetary or other compensation  
6 from the person aided or treated, renders first aid, emergency treatment or rescue  
7 assistance to a person who is unconscious, ill, injured or in need of rescue assistance,  
8 ~~shall or provides shelter or housing to a homeless person is not be~~ liable for damages for  
9 injuries alleged to have been sustained by such person nor for damages for the death of  
10 such person alleged to have occurred by reason of an act or omission in the rendering of  
11 such first aid, emergency treatment or rescue assistance, or the providing of shelter or  
12 housing, unless it is established that ~~such the~~ injuries or ~~such~~ death were caused willfully,  
13 wantonly or recklessly or by gross negligence on the part of such person. This section  
14 ~~shall apply~~ applies to members or employees of nonprofit volunteer or governmental  
15 ambulance, rescue or emergency units, whether or not a user or service fee may be  
16 charged by the nonprofit unit or the governmental entity and whether or not the members  
17 or employees receive salaries or other compensation from the nonprofit unit or the  
18 governmental entity. This section applies to a person, nonprofit organization or faith-  
19 based organization that, voluntarily and without the expectation of monetary or other  
20 compensation from the person aided, provides housing or shelter to a homeless person.  
21 This section ~~shall does not be construed to~~ require a person who is ill or injured to be  
22 administered first aid or emergency treatment if ~~such that~~ person objects ~~thereto~~ to first  
23 aid or emergency treatment on religious grounds. This section ~~shall does~~ not apply if such  
24 first aid or emergency treatment or assistance is rendered on the premises of a hospital or  
25 clinic.

26 **SUMMARY**

27 This bill amends to the so-called "Good Samaritan" statute, which provides immunity  
28 to a person who renders certain assistance to another person for no expectation of  
29 monetary or other compensation from the person aided. It adds immunity for any person,  
30 nonprofit organization or faith-based organization that provides shelter or housing to a  
31 homeless person.