



# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 988

S.P. 308

In Senate, March 10, 2011

### **An Act Concerning Immunity for School Administrative Units in the Discharge of Their Responsibilities**

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Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

*Joseph G. Carleton Jr.*

JOSEPH G. CARLETON, JR.  
Secretary of the Senate

Presented by Senator ALFOND of Cumberland.  
Cosponsored by Representative STRANG BURGESS of Cumberland and  
Senator: McCORMICK of Kennebec, Representatives: McCLELLAN of Raymond, NELSON  
of Falmouth, RANKIN of Hiram, RICHARDSON of Carmel, STUCKEY of Portland.

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

2 **Sec. 1. 20-A MRSA §4009, sub-§4**, as enacted by PL 1981, c. 693, §§5 and 8, is  
3 amended to read:

4 **4. Medical treatment.** Notwithstanding any other provision of any public or private  
5 and special law and pursuant to Title 14, section 8103, any school administrative unit,  
6 nonlicensed agent or employee of a school or school administrative unit who ~~renders~~  
7 administers first aid, emergency treatment or rescue assistance or any medication,  
8 vaccination or other health-related service to a student during a school program may not  
9 be held liable for injuries alleged to have been sustained by that student or for the death  
10 of that student alleged to have occurred as a result of an act or omission in ~~rendering~~  
11 administering such aid, treatment ~~or~~ assistance, medication, vaccination or other  
12 health-related service. This subsection does not apply to injuries or death caused  
13 willfully, wantonly or recklessly or by gross negligence on the part of the agent or  
14 employee.

15 **SUMMARY**

16 This bill provides immunity for school administrative units providing medical  
17 services to students as authorized by state law.