

# MAINE STATE LEGISLATURE

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February 9, 1923

To E. K. Jenkins, Director of Vocational Education  
Re: Liability

Replying to your letter asking for an opinion as to the liability of teachers in the special schools, I wish to say:

First: Neither the teacher nor the school authorities are liable for injuries suffered by pupils unless they or someone in their behalf have been guilty of gross carelessness or negligence. In other words, they are bound to use ordinary care and provide everything reasonably safe and give such reasonable instructions in the use of machinery and materials as will make it reasonably safe for the pupils to carry on the work.

Second: It would be a good practice to have a printed form to be signed by the parent or guardian giving their consent for the pupil to engage in the vocational instruction work.

Third: It would be good practice, and in my opinion advisable, to have proper notice of all danger spots posted near the machinery which is used by the pupils and warnings sufficient to put the pupils on their guard.

Fourth: Pupils who furnish their own materials are governed by the same rules as to liability for accidents as the other pupils.

Fifth: All the precautions suggested by questions two and three are only a part of the conduct necessary to show that the teachers and school authorities are exercising due and ordinary care, and none of them is absolutely necessary as a general rule, but each one of them may be necessary in a particular case.

Finally, all teachers and school authorities should understand thoroughly that they must use all reasonable precaution to secure the safety and freedom from injury of all pupils who attend their schools, and if they neglect to do so to such an extent as to amount to gross carelessness or negligence, they would be liable for damages caused by injuries to the pupils.

Ransford W. Shaw  
Attorney General