

# MAINE STATE LEGISLATURE

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June 30, 1947

To Charles P. Bradford, Director, State Park Commission

Referring to your memo of June 5th. . . I herewith enclose answer.

- "1. What is the liability of the State Park Commission toward the public using the facilities of the various State Parks and Memorials?"
- "2. It is understood that the State of Maine cannot be sued without consent, does this include the State Park Commission?"

ANSWER. You do not make your meaning clear with regard to the nature of the liability about which you are inquiring. I presume you mean the liability of the State Park Commission toward the public by reason of negligence on the part of the State Park Commission.

The State Park Commission, being an agency of the State of Maine, cannot be sued without consent, which answers your second question.

However, the individual members of the State Park Commission might be sued for any negligence performed by them outside of their authorized statutory duties, which acts of negligence caused injury to some member of the public using the park facilities.

However, should any member of the public using the facilities of the State Parks and Memorials receive an injury, he would have to resort to the legislature for permission to sue the State or receive a lump sum by Resolve of the legislature to compensate him for said damage.

Ralph W. Farris  
Attorney General

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