

MAINE STATE LEGISLATURE

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STATE OF MAINE

R E P O R T

OF THE

ATTORNEY GENERAL

for the calendar years

1949 - 1950

November 17, 1950

To Norman U. Greenlaw, Commissioner of Institutional Service
Re: Maine State Prison Dairy Farm—Fire

I acknowledge receipt of your memo of November 14th, stating that a member of the board of selectmen of the Town of Warren contacted you with regard to a problem connected with the fire at the Prison Dairy Farm. The Town of Warren has presented bills for damage to fire fighting equipment and hose, services of the fire departments of Thomaston and Rockland, and Merrill Payson for the use of his auxiliary fire pump.

As I understand it, the prison farm buildings are located in the Town of Warren and the fire department of Warren is supposed to protect State property as well as private property. An agency of the State has no legal obligation to pay any bills for extinguishing fires within the town limits. I would suggest that they present a bill to this legislature, putting in their claim for damages.

If they did not call the City of Rockland or the Town of Thomaston or Mr. Payson, I do not see how Rockland, Thomaston, or Mr. Payson can collect from Warren.

As I recall it, the hose now belonging to the Town of Warren was furnished by the State at the time of the bog fires between Warren and Rockland. Perhaps they expect the State to replace it.

Section 2 of Chapter 85 provides that when a fire breaks out in any town, the fire wards shall immediately attend at the place, etc., and that during the continuance of said fire they may require assistance in extinguishing the fire, removing merchandise and furniture, appoint guards to secure the same and to aid in pulling down or demolishing buildings and suppressing disorder and tumult, and generally may direct all operations to prevent further destruction or damage. There is no provision for your department to pay damages to towns and cities. This being an emergency, it might be handled through Council Order through the contingent fund; but before doing that, this bill should be screened, to see if the Town of Warren is liable for bills submitted by Rockland, Thomaston, and Mr. Merrill Payson.

Your question is how towns can be reimbursed under the statutes, and my answer is that it can be done only through the legislature or through Council Order.

RALPH W. FARRIS
Attorney General

November 22, 1950

To Spaulding Bisbee, Director, Civil Defense and Public Safety

With reference to the letter dated November 20, 1950, addressed to you by Mr. Harold L. Dow, chairman of the board of selectmen of the Town of Eliot, the present State law with respect to Civil Defense, I find, has no provision relative to compensation for the death or injury of an individual performing Civil Defense duties in a local organization. Any protection for