

MAINE STATE LEGISLATURE

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June 9, 1952

To: A. D. Nutting, Forest Commissioner
Re: South Bristol Fire Costs

This office is in receipt of your memo of May 21, 1952, in which you relate the following fact situation:

"The Town of South Bristol had a series of forest fires on the 24th of April which apparently were set. The town warden needed more equipment. He sent two of his fire fighters to obtain more equipment and told them to use the first truck available. They took a truck unauthorized by the owner. The brakes failed to work going down a hill. The truck struck two cars and damaged them to the extent of from \$400 to \$500. Damage to the truck has been paid by the insurance company. It has refused to pay the damage to the cars. The car owners are going to sue the town fire warden unless the town pays the repaid costs."

You then ask "Can the state pay one-half the costs of the repair bill to the town under Chapter 85, Section 58, provided the town first pays the cost?"

Under the above described circumstances this office will approve payment of one-half the costs of the repair bill, provided the town first pays the complete cost.

After a complete consideration of this section of Chapter 85, relating to town fire wardens, we must advise you, however, that this opinion is not to be considered a precedent in all cases similar to those set out in your letter, but rather after consideration of each fact situation by itself, payment should be made or declined on the merits of the individual case.

James G. Frost
Deputy Attorney General

jgf/c