

MAINE STATE LEGISLATURE

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May 20, 1954

To Joseph A. P. Flynn, Insurance Department
Re: Transportation of Mental Patients

This is in answer to your memo stating that Mrs. Flynn is a psychiatric social worker at the Augusta State Hospital, that she uses her personal car in her work, and that occasionally it falls upon her as such social worker to transport from or to the State Hospital people who are legally insane. With respect to such transportation you ask two questions having to do with accidents which might happen during transportation of such patients, especially you inquire if a public liability policy would protect Mrs. Flynn from liability.

As you know, the question of liability in such cases, or any case covered by a liability policy, depends upon the negligence of the insured party. For this reason we would refrain from answering your question. While we might be of the opinion that Mrs. Flynn would be negligent per se in transporting an insane person without other attendance, there is no foretelling what a court or jury would do if suit were brought against Mrs. Flynn.

In such a situation, where doubts arise, it might be well to contact the hospital to the end that such insane person be properly attended while being transported.

James Glynn Frost
Deputy Attorney General

jgf/c