

MAINE STATE LEGISLATURE

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no

November 5, 1957

To Norman U. Greenlaw, Commissioner of Institutional Service
Re: Driver Training Course, Pineland Hospital and Training Center

. . . You ask for the opinion of this office as to whether your Department has the authority to accept custody of an automobile, for one year, without the approval of the Governor and Council. This loan has been offered by the Cumberland Motor Sales Company of Gray for the following purposes: "The equipment for this program is being donated on a loan basis through an arrangement with the Department of Education. More specifically, the Cumberland Motor Sales Company of Gray will deliver to Pineland Hospital for a period of one year a 1958 Ford to be used in this training."

If you contemplate using such automobile, then it is our opinion that the Governor and Council should approve such use.

However, we must draw your attention to our feeling with respect to such use of an automobile.

Pineland Hospital and Training Center is, under the terms of the statute, "maintained for the care and education of idiotic and feeble-minded males and females between the ages of 5 years and 55 years."

We feel that you, the Commissioner of Institutional Service, Dr. Bowman, Superintendent of the institution, and any others whose permission would be necessary for such use of an automobile, would be personally liable for any damages, personal or property, that might be caused by such automobile when driven by an inmate of the hospital. We strongly feel that you would be negligent per se to permit idiotic or feeble-minded persons to drive such motor vehicles and that such negligence would be imputed directly to you who have given such permission.

James Glynn Frost
Deputy Attorney General

jgf/c