

# MAINE STATE LEGISLATURE

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January 19, 1959

To Austin H. Wilkins, Forest Commissioner  
Re: Liability for Personal Injuries at Camp Sites and Lunch Grounds

We have your memo of January 16, 1959, which reads:

"Background. There are approximately 350 public camp sites and lunch grounds maintained by the State of Maine Forestry Department. All are on leased land from private industry and land holding companies. These sites are posted as 'Authorized and Maintained by the Forestry Department for Forest Fire Prevention Purposes' and no fee is charged for their use by the public.

"As a means of publicly showing their cooperation in forest fire prevention, the landowners are considering appropriate signs to be posted at these sites as leased land.

"Question. What is the liability of the landowner on such leased land to the State in event of an accident? What is the liability of the State Forestry Department?"

Answer. We regret very much that we may not answer the first question, but under our laws we may give advice and opinions only to State officers on questions of law which affect the State. We would suggest, with respect to the lessors' rights, that their own counsel be consulted.

With respect to the State Forestry Department's liability, we have the following to offer as a general proposition.

A State employee is liable for his negligent acts which cause injuries to their persons. While this liability may not be transferred directly to the State except by special act of the legislature, the individual causing the injury through his negligence can be held responsible.

James Glynn Frost  
Deputy Attorney General

jgf/c