

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

**This document is from the files of the Office of
the Maine Attorney General as transferred to
the Maine State Law and Legislative Reference
Library on January 19, 2022**

STATE OF MAINE

Inter-Departmental Memorandum Date February 5, 1962

To Arthur H. Bowman, H.D., Superintendent

Dept. Pineland Hospital and Training Center

From Courtland B. Perry, II, Asst. Attorney General

Dept. Mental Health and Corrections

Subject Baby-sitting Service for Children of Volunteer Workers, "Sovereign Immunity."

Question presented: Are children of volunteer workers left in the care of Home Life Cottage supervisors covered by a liability insurance policy under which the State is the insured?

The State carries liability insurance on its fleet of automobiles, the State Mansion, and certain elevators located in State buildings. The State does not carry general liability insurance.

Under the doctrine of sovereign immunity, the State is not subject to tort liability without the consent of the legislature. Parents of children for whom paid baby-sitting service is provided are subject to this doctrine with respect to the liability of the State if a child should be injured while at the Home Life Cottage.

It would not appear to be necessary to secure any type of release from the volunteers involved, since no liability exists without action by the legislature. The volunteers, however, should be informed of their position with respect to the State's liability so that they can reach an intelligent decision as to their participation in the baby-sitting program.

CBP

CBP/alm

Courtland B. Perry, II
Assistant Attorney General