

MAINE STATE LEGISLATURE

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April 15, 1963

Leslie H. Stanley, Director

Civil Defense

George C. West, Deputy

Attorney General

**Immunity from Liability of Persons Taking Civil Defense
First Aid Course**

Recently Dr. Breed spoke to me about the question of liability of persons taking the first aid course being sponsored by your department. He was particularly concerned about some person volunteering first aid and, being unsuccessful in such efforts, then being sued by the person aided.

An answer to this problem must be divided into two parts.

- (1) Aid given voluntarily at a time when there is no state of emergency duly proclaimed by the Governor, and
- (2) Aid given voluntarily at a time when there is a state of emergency duly proclaimed by the Governor.

This question was first asked and the answer given by this office on May 29, 1942. A copy of the reply is attached for your reference.

We can add nothing to so much of this opinion as answers the problem raised by the first part.

As to the second part, it is adequately covered by R.S. 1954, chapter 12, section 11, which reads in part:

"Immunity. - Neither the state nor any political subdivision thereof, nor other agencies, nor, except in cases of willful misconduct, the agents, employees or representatives of any of them, engaged in any civil defense activities, while complying with or attempting to comply with the provisions of this chapter or any other rule or regulation promulgated pursuant to the provisions of this chapter, shall be liable for the death of or any injury to persons, or damage to property, as a result of such activity."

Leslie H. Stanley, Director

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April 15, 1963

It is our belief that this section would protect any person from liability attempting to further Civil Defense work. If the injured party could prove that the person causing death or injury was acting completely independent of any Civil Defense function, then the statutory immunity would not attach.

George C. West
Deputy Attorney General

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