

MAINE STATE LEGISLATURE

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STATE OF MAINE

Inter-Departmental Memorandum Date June 4, 1965

To Walter F. Ulmer, Commissioner Dept Mental Health and Corrections

From Courtland D. Perry, Asst. Atty. Gen'l. Dept Same

Subject Recovery from State for Damage to Fire Fighting Equipment and for Personal Injury Suffered by Outside Firemen and Policemen, or by Visitors

FACTS:

In the event of a fire or riot at the Maine State Prison it may become necessary to seek assistance from fire and police units from surrounding communities. In the course of fighting such fire or quelling such riot, personal injury may result to participating firemen or policemen, and fire equipment may be damaged or stolen.

Outsiders visit the State Prison, from time to time, and visitors sometimes in large numbers frequent the State Prison Salesroom, any of whom could be the victim of an accident during such visit, with resultant personal injury.

QUESTION: (1)

Are damages for destruction to, or theft from, outside fire apparatus in attendance at a fire or riot within the State Prison recoverable against the State?

ANSWER: (1)

Dependent Upon Legislative Action.

OPINION: (1)

The only method by which a participating Fire Department might obtain payment from the State for destruction to, or theft from, equipment used at a fire or riot at the State Prison is by legislative action.

QUESTION: (2)

In the event of a personal injury resulting to policemen or firemen assisting at a fire or a riot at the Maine State Prison, may such injured person be reimbursed by the State for expenses incurred as a result of such injury?

ANSWER: (2)

Dependent Upon Legislative Action.

OPINION: (2)

In the event of such injury the injured person in order to receive any payment from the State to cover expenses incurred would have to seek such recovery from the Legislature. There is no provision allowing interim payments by the State for medical expenses incurred in the event of such injury; such person is not a State employee.

QUESTION: (3)

A. Would a release signed by a visitor to the Maine State Prison forbearing to make any claim for injuries which may result during a visit be effective to release the State from possible liability?

ANSWER: (3 A)

No.

OPINION: (3 A)

A release signed by a visitor upon entering the State Prison, or the State Prison Salesroom, and prior to any injury being suffered, would be ineffective as a measure to protect the State from a claim for such injury, since ~~such~~ release would be made without any consideration furnished by the State, or, in other words, without any burden assumed by the State.

QUESTION: (3 B)

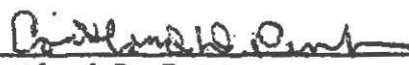
Has an injured visitor to the Maine State Prison any recourse against the State other than through submitting a bill to the Legislature?

ANSWER: (3 B)

No.

OPINION: (3 B)

The only recourse which an injured visitor to the State Prison would have against the State for an injury would be through submitting a claim to the Legislature. The State carries no liability insurance covering such accidents.



Courtland D. Perry
Assistant Attorney General

CDP/f