



MEMORANDUM
Maine Department of Inland Fisheries & Wildlife
353 Water Street
Augusta, ME 04333-0041

Date: 7/2/2024

To: Maine Association for Search and Rescue (MASAR)

From: Timothy Peabody, Deputy Commissioner (MDIFW)

Subject: Search and Rescue Volunteers Insurance Coverage

The Department received a copy of your February 12, 2024 letter to Attorney General Aaron Frey regarding clarification of Workers Compensation Insurance coverage for search and rescue (SAR) volunteers while on searches and during certain training exercises.

Since the Workers Compensation law changed in 2003 (PL 2003, C 489) search and rescue volunteers under certain circumstances have been afforded Workers Compensation Insurance coverage. The attached memo from 2003 is our communication with the search and rescue community at the time of the law change, this 2024 memo will reaffirm our position and clarify circumstances moving forward as they relate to search and rescue volunteers and interactions with the Maine Department of Inland Fisheries and Wildlife (MDIFW) through the Maine Warden Service.

The Commissioner of MDIFW has statutory responsibilities 12 MRSA § 10105 (4) for locating lost, stranded, or drowned persons in the woodlands or inland waters of the state. This responsibility is recognized in the State Search and Rescue Plan under the jurisdiction of the Maine Emergency Management Agency (MEMA).

Search and Rescue volunteers have historically and are currently a necessity for successful search and rescue missions under the purview of MDIFW. Understanding the insurance coverage provided by the MDIFW is part of recognizing the importance of your volunteer organization. In respect of that I offer the following synopsis of the current Workers Compensation Insurance Coverage protocol and additional coverage provided to MDIFW by the Maine Office of Risk Management for volunteer search and rescue participants.

MASAR Certified Volunteers Workers Compensation Insurance:

- When MASAR is activated by Maine Warden Service to assist in a SAR event, MASAR certified volunteers are covered by Workers Compensation Insurance should they become injured during the search, if they are working within the scope of their training. (Does not apply to driving to or from the search.)



- When MASAR conducts a SAR training authorized by the Maine Warden Service MASAR certified volunteers are covered during the training by Workers Compensation Insurance should they become injured during the training.
- A list of volunteers certified by MASAR must be provided and updated annually.
- Premiums for Workers Compensation will be billed annually by Workers Compensation and paid annually by MDIFW.

Non- Certified SAR Volunteers Workers Compensation Insurance:

- Volunteer searchers including members of MASAR that have not reached MASAR certification status will not be covered by Workers Compensation Insurance when assisting MDIFW during an SAR event or SAR training authorized by the MDIFW.

SAR Volunteers Risk Management Medical Insurance Coverage

- Volunteers, both MASAR certified and non-certified, are covered by a Special Accident Policy held by MDIFW (see attachment) that covers losses that exceed their own medical insurance with limits stated in the document. This coverage is dependent on being called out by MDIFW to SAR events and the trainings being conducted that are authorized by MDIFW and under the control and oversight from Certified MASAR Instructors and abiding by the Certification Standards in which the training is being conducted. (Requires that MDIFW Liaison is notified of the training date and scope of training, roster, and completion report. **Claims submitted for coverage are subject to the terms and conditions of the policy.**

SAR Volunteers Risk Management Tort Liability Insurance Coverage

- Volunteers, both MASAR certified and non-certified, are covered by a Volunteer Tort Liability Policy held by MDIFW (see attachment). This coverage is dependent on being called out by MDIFW to SAR events and SAR trainings that are authorized by MDIFW and under the control and oversight from Certified MASAR Instructors and abiding by the Certification Standards in which the training is being conducted. (Requires that MDIFW Liaison is notified of the training date and scope of training, roster, and completion report. **Claims submitted for coverage are subject to the terms and conditions of the policy.**

I hope this provides clarity to the questions related to Workers Compensation Insurance coverage as well as additional medical insurance and tort liability coverage while engaged in search and rescue events and trainings under the direction of MDIFW. It would be great to finalize your internal policy using this memo as a reference. We truly appreciate everything you do for the citizens of Maine and look forward to continuing the long-standing relationship we have with MASAR .