

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundredth Legislature

OF THE

STATE OF MAINE

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AUGUSTA, MAINE

1961

RESOLVES
OF THE
STATE OF MAINE

As Passed by the One Hundredth Legislature

1961

RESOLVES, 1961

CHAP. 38

1955, and filed in the Cumberland County Registry of Deeds as Plan No. LS 7, be officially named and referred to as "Dav Brian Island."

Effective September 16, 1961

Chapter 37

RESOLVE, Regulating Taking of Smelts in Kingsbury Pond and Mayfield Pond.

Emergency preamble. Whereas, acts and resolves do not become effective until 90 days after the adjournment of the Legislature unless enacted as emergencies; and

Whereas, fishing is one of Maine's greatest natural resources and should be encouraged and promoted as much as possible; and

Whereas, it is vitally necessary that the following legislation be passed in order to aid in the conservation of this natural resource; and

Whereas, such conservation should be instituted in the spring of 1961; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Regulating the taking of smelts in Kingsbury Pond and Mayfield Pond. Resolved: That the Commissioner of Inland Fisheries and Game is authorized and directed to issue a rule and regulation closing Kingsbury Pond and its tributaries to the taking of smelts in Mayfield Plt. and Kingsbury Plt., Piscataquis and Somerset Counties and also closing to the taking of smelts, Mayfield Pond and its tributaries in Mayfield Plt. and Brighton Twp., Somerset County.

Emergency clause. In view of the emergency cited in the preamble, this resolve shall take effect when approved.

Effective March 22, 1961

Chapter 38

RESOLVE, Authorizing Charlotte Alex to Bring Action Against the State of Maine.

Charlotte Alex; authorized to sue the State of Maine. Resolved: That Charlotte Alex of New York City and State of New York, who suffered on the 10th day of June, 1960 serious personal injuries while operating her motor scooter on a Maine highway, to wit: on U. S. Route 201 in Skowhegan, in the County of Somerset and State of Maine, due, as she claims, to the negligence of the tarring crew of the State Highway Commission in placing excessive sand on the said highway, be and hereby is authorized to bring an action in the Superior

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Court for the County of Kennebec within one year from the first day of August, 1961, at any term thereof against the State of Maine for damages, if any, for negligence, if any, of the State of Maine, and the complaint issuing out of said Superior Court under the authority of this resolve shall be served on the Secretary of State by attested copy 30 days before a term of said court by the sheriff or either of his deputies in any county of the State of Maine; and the conduct of said action shall be according to the practice of actions and proceedings between parties in said Superior Court, and the liabilities of the parties and elements of damage, if any, shall be the same as the liabilities and elements of damage between individuals; and the Attorney General is hereby authorized and designated to appear, answer and defend said action. Any judgment that may be recovered in such action shall be payable from the General Highway Fund of the State of Maine on final process issued by said Superior Court or, if appealed, the Supreme Judicial Court, and costs may be taxed for the said Charlotte Alex, if she recovers in said action. Any recovery in said action shall not be in excess of \$10,000 including costs. Hearing thereon shall be before 3 Justices of the Superior Court, without a jury; said justices to be assigned by the Chief Justice of the Supreme Judicial Court.

Effective September 16, 1961

Chapter 39

RESOLVE, Regulating Fishing in Johnston Pond, TA, R10, Piscataquis County.

Fishing in Johnston Pond, regulated. Resolved: That the Commissioner of Inland Fisheries and Game is authorized and directed to issue a rule and regulation opening Johnston Pond, TA, R10, Piscataquis County, to fishing under the general law, except the use or possession of live fish as bait is prohibited. This resolve shall take effect January 1, 1962.

Effective January 1, 1962

Chapter 40

RESOLVE, Opening Cross Lake, Aroostook County, to Ice Fishing for Cusk.

Cross Lake opened to ice fishing. Resolved: That the Commissioner of Inland Fisheries and Game be authorized and directed to issue a rule and regulation opening Cross Lake, Aroostook County, to ice fishing at night from sunset to sunrise for cusk from the time ice forms in the fall until March 31st and prohibiting the use or possession of live fish as bait for the calendar years 1962 and 1963.

Effective September 16, 1961

Chapter 41

RESOLVE, Regulating Fishing in Long Pond, Franklin County.

Fishing in Long Pond regulated. Resolved: That the Commissioner of Inland Fisheries and Game be authorized and directed to issue a rule and regula-