

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

AS PASSED BY THE

One Hundredth Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with  
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1961

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RESOLVES  
OF THE  
STATE OF MAINE

As Passed by the One Hundredth Legislature

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## Chapter 46

**RESOLVE, Changing Survivor Payments to Mrs. Anita K. Lyons of Bangor, as Guardian for Minors.**

**Mrs. Anita K. Lyons; survivor benefits. Resolved:** That the survivor benefits of Mrs. Reba A. Pierce of Bangor, deceased, as provided by the Revised Statutes of Maine 1954, chapter 63-A, section 9, namely \$100 per month henceforth and retroactively from December 1957, be paid to Mrs. Anita K. Lyons of Bangor, her sister, for and on behalf of the minor children of the deceased Mrs. Pierce, Alfred L. Pierce and Donna Lee Pierce, until the elder child becomes 18; then the sum to be paid shall be \$75 per month until the other child becomes 18 at which time all payments shall cease and further, on the condition that before any payments shall be made, the total contribution of Mrs. Pierce to the Maine Employees Retirement Fund, \$1480.77, paid out by the State of Maine Treasury by draft dated 10/7/58 to one Adella R. M. Beaulieu be returned to the fund.

Effective September 16, 1961

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## Chapter 47

**RESOLVE, Opening Desert Pond, Kennebec County, to Fishing.**

**Desert Pond; opened to fishing. Resolved:** That the Commissioner of Inland Fisheries and Game is authorized and directed to issue a rule and regulation opening Desert Pond in the Town of Mt. Vernon, Kennebec County, on April 15th each year to fishing. The use or possession of live fish as bait is prohibited.

Effective September 16, 1961

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## Chapter 48

**RESOLVE, Regulating Fishing in Temple Pond, Somerset County.**

**Temple Pond; fishing regulated. Resolved:** That the Commissioner of Inland Fisheries and Game be authorized and directed to issue a rule and regulation to close Temple Pond in the Town of Moscow, Somerset County, to fishing by all persons over the age of 16, with a 5 fish daily bag limit. The use or possession of live fish as bait is prohibited.

Effective September 16, 1961

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## Chapter 49

**RESOLVE, for Repairing Fish Screen at Outlet of Messalonskee Lake in Oakland.**

**Repair of fish screen at outlet of Messalonskee Lake. Resolved:** That the sum of \$2,000 be appropriated from the funds of the Department of Inland Fisheries and Game to aid in repairing the fish screen at the outlet of Messa-

lonskee Lake in the Town of Oakland in the County of Kennebec; and be it further

**Resolved:** That said appropriation shall be paid to the Messalonskee Fish and Game Club as the state's share of said repairs; and be it further

**Resolved:** That the state's share shall be  $\frac{1}{2}$  the cost of said repairs or \$2,000, whichever is the lesser.

Effective September 16, 1961

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## Chapter 50

### RESOLVE, Authorizing Cianchette Bros., Inc. to Bring Civil Action Against State of Maine.

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

Whereas, the accurate establishment of costs of completed federal highway projects is essential to the planning of future highway projects in the next fiscal year; and

Whereas, prompt judicial determination of pending claims relating to such projects is necessary to such establishment and is vital in obtaining 90% federal participation in the project costs; 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

**Cianchette Bros., Inc.; authorized to sue the State of Maine. Resolved:** That Cianchette Bros., Inc., a corporation located at Pittsfield, County of Somerset, and State of Maine, which claims to be entitled to recover additional compensation for extra work performed in the construction of Messalonskee Stream Bridge in Waterville by virtue of a contract with the State Highway Commission, is authorized to bring a civil action for such claimed compensation within one year from the effective date of this resolve in the Superior Court for the County of Somerset. The complaint issuing out of said Superior Court under the authority of this resolve shall be served on the Secretary of State by true copy 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 practices of actions and proceedings between individual parties and suitors in said Superior Court, and the substantive rights and liabilities of the parties shall be the same as rights and liabilities between individuals.

Any recovery in said action shall not exceed the sum of \$107,742.07. The Attorney General is authorized and designated to appear, answer and defend said action. Any judgment that may be recovered in said civil action shall be payable from the Highway Fund of the State on final process issued by said Superior Court, or, if appealed, the Supreme Judicial Court and costs may be