

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Sixth Legislature
1ST SPECIAL SESSION
JANUARY 2, 1974 TO MARCH 29, 1974
AND BY THE
One Hundred and Seventh Legislature
REGULAR SESSION
JANUARY 1, 1975 TO JULY 2, 1975

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH THE REVISED STATUTES OF 1964, TITLE 3,
SECTION 164, SUBSECTION 6.

THE KNOWLTON AND MCLEARY COMPANY
FARMINGTON, MAINE
1975

RESOLVES
OF THE
STATE OF MAINE

AS PASSED BY THE
One Hundred and Sixth Legislature

AT THE
SPECIAL SESSION

January 2, 1974

to

March 29, 1974

Whereas, it is the desire of Mr. Maurice Hatfield to name the lake "Lake Hatfield" in honor of his late father; and

Whereas, such designation is necessary by the Legislature before acceptance by the U. S. Department of Interior for official mapping purposes; and be it further

Resolved: That the lake situate at 43° 19' 40" N, 70° 52' 50" W, formed by a dam at the east tributary to Keay Brook 4 miles north of Berwick be named and designated "Lake Hatfield" in honor of the late Murdock Mateson Hatfield of York County, Maine.

Effective June 28, 1974

CHAPTER 84

RESOLVE, Authorizing the Town of Bingham to Remove Sand Bars at Confluence of Austin Stream and Kennebec River.

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

Whereas, there are sand bars and obstructions at the confluence of Austin Stream and the Kennebec River; and

Whereas, such sand bars and obstructions cause ice jams in the spring of the year, thus resulting in the flooding of homes in the vicinity; and

Whereas, the following legislation is vitally necessary to prevent undue hardship on those inhabitants of Maine who live in the vicinity of the confluence of Austin Stream and the Kennebec River; 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

Town of Bingham; authorized. Resolved: That the Town of Bingham is authorized to remove the sand bars and natural obstructions at the confluence of Austin Stream and the Kennebec River for a distance of 4,300 feet upstream from the confluence for 3 years.

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

Effective March 12, 1974

CHAPTER 85

RESOLVE, Authorizing Robert A. Dentico to Bring Action Against the State of Maine.

Robert A. Dentico, authorized to sue the State of Maine. Resolved: That Robert A. Dentico of Bath in the County of Sagadahoc and State of Maine, who suffered on the 27th day of May, 1973 serious personal injury while driving a motorcycle, on Maine Highway to wit: Route 127 in Woolwich in the County of Sagadahoc and State of Maine, due, as he claims to negligence of the Department of Transportation in permitting oil and tar from a truck,

leased to and under the control of the Department of Transportation, to flow negligently onto the traveled way of Route 127, the incident occurring not in the course of normal maintenance operations, be and is authorized to bring an action in the Superior Court for the County of Sagadahoc within one year from the effective date of this resolve, 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 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 and elements of damage between individuals; and the Attorney General is 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 the said Superior Court, or if appealed, the Supreme Judicial Court, and costs may be taxed for the said Robert A. Denticio if he recovers in said action. Hearing thereon shall be before a Justice of the Supreme Judicial Court or the Superior Court without a jury; and said Justice to be assigned by the Chief Justice of the Supreme Judicial Court.

Effective June 28, 1974

CHAPTER 86

RESOLVE, Providing for the Replacement of Babb's Covered Bridge in Windham and Gorham.

Replacement of Babb's Covered Bridge in Windham and Gorham. Resolved: That the Maine Department of Transportation may, when funds can be made available, construct a covered wooden bridge to replace the former covered wooden bridge known as Babb's Bridge over the Presumpscot River on the Hurricane Road between the Towns of Windham and Gorham, replacement of the bridge to be subject to an agreement between the Towns of Windham and Gorham and the Department of Transportation including, but not limited to, the following conditions:

1. That the new bridge shall be a replica of Babb's Bridge which was destroyed by fire on May 6, 1973 and shall provide for the same load limit, namely 4 tons gross weight of vehicle and load, as was carried on the bridge that was destroyed by fire;

2. That the Towns of Windham and Gorham shall protect the new bridge against vandalism and destruction by fire by adequate police protection, or insurance covering loss, or a combination of both or other provisions to be contained in the agreement;

3. In the event the new bridge is destroyed by fire, vandalism or otherwise, the State of Maine will not be responsible for replacing the same except with a conventional steel and concrete bridge as may be constructed under the provisions of the so-called General Bridge Act, the Revised Statutes, Title 23, sections 451 to 459, with the necessary right-of-way for such construction to be provided by the 2 towns;