

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

January 5, 1977 to July 25, 1977

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

PORTLAND LITHOGRAPH COMPANY
PORTLAND, MAINE
1977

RESOLVES
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND EIGHTH LEGISLATURE

1977

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The quitclaim deed granted by the State through the Commissioner of Conservation shall contain a covenant that shall require that this parcel shall be used only for public purposes.

Effective October 24, 1977

CHAPTER 5

RESOLVE, Authorizing Vandelia T. Rowe to bring Action against the State.

Vandelia T. Rowe; authorized to sue State of Maine. Resolved: That Vandelia T. Rowe of Oakland, in the County of Kennebec and State of Maine, who on or about October 31, 1975, sustained serious personal injuries as the result of a fall at the Motor Vehicle Registration Office in Augusta, in the County of Kennebec and State of Maine, due to the claimed negligence of the Secretary of State of the State of Maine, is hereby authorized to bring a civil action in the Superior Court for the State of Maine 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, provided said damages are not to exceed the amount of \$30,000; and the complaint issuing out of said Superior Court under the authority of this resolve shall be served upon the Secretary of State in accordance with the Maine Rules of Civil Procedure; and the conduct of said action shall be according to the practice of actions and proceedings between parties in the Superior Court and the liability of the parties and elements of damage, if any, shall be the same as liabilities and elements of damages between individuals; provided said liabilities and elements of damage shall not exceed \$30,000, including interest, cost and fees, but not including punitive or exemplary damages. 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 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 by said Vandelia T. Rowe if she recovers in said action. The court shall reduce the judgment by the amount of any collateral benefits or payments, including insurance, that Vandelia T. Rowe has received or will become entitled to receive as a result of the accident. Hearing thereon shall be held before a Justice of the Superior Court sitting without a jury; said justice to be assigned by the Chief Justice of the Supreme Judicial Court of the State of Maine.

Effective October 24, 1977

CHAPTER 6

RESOLVE, Increasing to \$25,000 the Amount for which Romeo and Genevieve St. Amand or their Legal Representatives may bring a Civil Action against the State of Maine.

RESOLVES, 1977

Resolves 1975, c. 19, amended. Resolved: That the next to the last sentence of chapter 19 of the resolves of 1975 is amended to read:

Any recovery in said action shall not be in excess of ~~\$4,000~~ \$25,000, including costs.

Effective October 24, 1977

CHAPTER 7

RESOLVE, Authorizing Robert J. Gilbert of Rumford to Bring Civil Action Against an Agency of the State of Maine.

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

Whereas, the litigation authorized by this resolve should be commenced at the earliest possible time so that the positions of the parties might be determined as soon as possible, in the interest of justice; 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

Robert J. Gilbert; authorized to sue the State of Maine. Resolved: That Robert J. Gilbert of Rumford, in the County of Oxford and State of Maine, who suffered an injury to his left eye when he was struck by a piece of tile which fell from a shower wall at Maine Maritime Academy into his eye, is authorized to bring an action in the Superior Court for the County of Hancock within one year from the effective date of this resolve, at any term thereof against Maine Maritime Academy, an agency of the State of Maine, for damages, if any, and the complaint issuing out of the Superior Court under the authority of this resolve shall be served on the Secretary of State by attested copy 30 days after issue by the sheriff or either of his deputies in any county of the State of Maine; and the conduct of the action shall be according to the practice of actions and proceedings between parties in the Superior Court, and the liabilities of the parties and elements of damage, if any, shall be the same as the liabilities of the parties and elements of damage between individuals; and the Attorney General is authorized and designated to appear, answer and defend this action. Any judgment that may be recovered in this civil action shall be payable from the General Fund on final process issued by the Superior Court or, if appealed, the Supreme Judicial Court, and costs may be taxed for Robert J. Gilbert if he recovers in this action. Any recovery in this action shall not be in excess of \$100,000, including costs. The hearing in this action shall be before a justice, to be assigned by the Chief Justice of the Supreme Judicial Court, and a jury.

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

Effective May 5, 1977