

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND FIRST LEGISLATURE

Legislative Document

No. 156

H. P. 112

House of Representatives, January 10, 1963

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Welch of Chapman.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-THREE

**RESOLVE, Authorizing Amanda Moreau to Bring Action Against the State of
Maine.**

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, the said Amanda Moreau had incurred considerable expense for medical and hospital service; and

Whereas, witnesses necessary to the prosecution and defense of such action may become unavailable; 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

Amanda Moreau; authorized to sue the State of Maine. Resolved: That Amanda Moreau of Presque Isle in the County of Aroostook and State of Maine, who suffered on the 10th day of March, 1962 serious personal injuries while riding as a passenger in an automobile on a Maine highway, to wit: on U. S. Route 2A in Houlton in the County of Aroostook and State of Maine, due, as she claims, to negligence of the supervisor of the maintenance crew of the State Highway Commission and of the flagman assigned to said crew in not giving adequate, sufficient and timely warning of the interruption of traffic on said highway due to the activities of said maintenance crew, be and is authorized to bring an action in the Superior Court for the County of Aroostook within one

year from the first day of April, 1963, 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 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 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 Amanda Moreau if she recovers in said action. Any recovery in said action shall not be in excess of \$25,000 including costs. Hearing thereon shall be before 3 Justices of the Superior Court without a jury; and said justices to be assigned by the Chief Justice of the Supreme Judicial Court.

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