

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND SECOND LEGISLATURE

Legislative Document

No. 578

S. P. 197

In Senate, January 27, 1965

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

EDWIN H. PERT, Secretary

Presented by Senator Violette of Aroostook.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-FIVE

RESOLVE, Authorizing Margarete E. Putnam, Administratrix of the Estate of Weldon Putnam, to Bring a Death Action Against the State of Maine.

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

Whereas, prompt judicial determination of the liability of the State of Maine, if any, arising out of the death of Weldon Putnam, is vital to meeting the expenses and claims against his estate; 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

Margarete E. Putnam, Administratrix of the Estate of Weldon Putnam, authorized to sue the State of Maine. Resolved: That Margarete E. Putnam, Administratrix of the Estate of Weldon Putnam, formerly of Cary Plantation, County of Aroostook, deceased, who on July 21, 1963 sustained a fatal injury while operating his motorcycle on Maine Route No. 159, 5.2 miles south of the intersection of Routes 159 and 11 in Mount Chase, County of Penobscot, due, as claimed, by the negligence of the Maine State Highway Commission in excavating a hole in said Route 159 of which the Maine State Highway Commission failed to adequately warn travelers on said highway, is authorized to bring a death action in the Superior Court for the County of Aroostook within one year from the first day of August, 1963, at any term thereof against the State of Maine for damages, if any, for negligence, if any, of the State of Maine, and the com-

plaint 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 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 Estate if the administratrix recovers in said action. Any recovery in said action shall not be in excess of \$30,000, 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.

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