

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 721

H. P. 582

House of Representatives, February 19, 1975

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

EDWIN H. PERT, Clerk

Presented by Mr. Carey of Waterville.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

RESOLVE, Authorizing Genevieve St. Amand and Romeo St. Amand or their Legal Representatives to Bring a Civil Action Against the State of Maine.

Genevieve St. Amand and Romeo St. Amand; authorized to sue the State of Maine. Resolved: That Genevieve St. Amand and Romeo St. Amand of Fairfield, in the County of Somerset, who suffered personal injuries on or about November 10, 1973, caused by the alleged negligence of the Bureau of Aeronautics of the State of Maine, its agents or employees, in failing to properly protect and maintain adequate barriers, lighting or other safeguards around a construction project in front of the Augusta Airport Terminal building, are authorized to bring an action in the Superior Court for the County of Kennebec within one year from the effective date of this resolve, at any term thereof against the State of Maine for damages, if any, 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 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 damages, if any, shall be the same as the liabilities and elements of damages between individuals; and 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 State Treasury on final process issued by said Superior Court or, if appealed, the Supreme Judicial Court, and costs may be taxed for the said Genevieve St. Amand and Romeo St. Amand if they recover in said action. Any recovery in said action shall not be in excess of \$11,000, including costs. Hearing thereon shall be before 3 justices, without a jury; said justices to be assigned by the Chief Justice of the Supreme Judicial Court.

STATEMENT OF FACT

On or about November 10, 1973, the Bureau of Aeronautics was conducting a construction project in the area immediately in front of the Augusta Airport Terminal Building. The project involved the island and roadway between the building and a public street leading to Western Avenue.

Genevieve St. Amand had arrived at the airport on the evening in question a short while before the incident occurred and was walking away from the building toward a parked car when she stumbled over the excavated area and fell to the ground thereby suffering extensive personal injuries. No protective barriers, adequate lighting or other safeguards were present to warn passersby of the presence of dangers.

Romeo St. Amand, husband of Genevieve St. Amand seeks to join this action as party Plaintiff to recover medical expense and loss of consortium.