

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

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ONE HUNDRED AND TENTH LEGISLATURE

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**Legislative Document**

**No. 1012**

H. P. 849

House of Representatives, February 25, 1981

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

EDWIN H. PERT, Clerk

Presented by Representative Cox of Brewer.

Cosponsor: Senator Devoe of Penobscot.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

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**RESOLVE, Authorizing Rodney W. Ross, Jr. to Bring Civil Action Against the State of Maine.**

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**Rodney W. Ross, Jr. authorized to bring civil action against State of Maine. Resolved:** That Rodney W. Ross, Jr., who suffered severe and permanent injuries to his person on April 6, 1977, in a traffic accident on that date, allegedly caused by negligent conduct on the part of agents, servants or employees of the State of Maine in the design of exit 4, south on Interstate 295 in South Portland, and in allowing a dangerous condition to exist on the highway, is authorized to initiate a complaint in either the Superior Court for the County of Kennebec or in the United States District Court, District of Maine, within one year from the effective date of this resolve against the State of Maine for damages, if any, sustained by Rodney Ross; and is further authorized to assert any and all causes of action against the State of Maine, arising out of that accident. Any complaint and summons issuing out of the Superior Court or the United States District Court under the authority of this resolve shall be served on the Secretary of State by the sheriff or either of his deputies of the County of Kennebec, State of Maine or by the United States Marshal or his deputies; and the conduct of the action shall be according to the practice of actions and proceedings between parties in the Superior Court or the United States District Court and the liabilities of the parties and elements of damage, if any, shall be the same as the liabilities and elements of damages between individuals. The Attorney General or

one of his assistants or designees is authorized and designated to appear, answer and defend the action and if the action is brought within one year from the effective date of this resolve, he shall not raise any defense based on any statute of limitations or on the immunity of the State of Maine. Hearing thereon shall be before a justice, with or without a jury.

#### STATEMENT OF FACT

Mr. Ross was made a quadriplegic because of permanent injuries he sustained when a vehicle in which he was a passenger overturned allegedly because of the improper design, lighting, signing and maintenance of exit 4, south, Interstate 295, in South Portland. The purpose of this resolve is to allow Mr. Ross to bring civil suit against the State of Maine.