

MAINE STATE LEGISLATURE

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(New Draft of H.P. 845, L.D. 1136)
(New Title)
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1657

H.P. 1215 House of Representatives, May 22, 1987
Reported by Representative PRIEST from the Committee on
Legal Affairs and printed under Joint Rule 2.

EDWIN H. PERT, Clerk
Original bill sponsored by Representative HANDY of
Lewiston. Cosponsored by Senators BERUBE of Androscoggin,
GAUVREAU of Androscoggin and Representative POULIOT of
Lewiston.

STATE OF MAINE

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

1 Resolve, to Compensate Jacqueline A. Caron,
2 Personal Representative of the Estate
3 of Alphee Caron, for
4 Wrongful Death and for Personal
5 Injuries on Behalf of Herself and her
6 Minor Child, Jeffrey Caron, in Excess
7 of Statutory Limits of Recovery.
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9 "Compensated by State. Resolved: That there is
10 allocated from the Highway Fund the sum of \$75,000 to
11 be paid by the Commissioner of Transportation to
12 Jacqueline A. Caron individually and as personal
13 representative of the estate of Alphee Caron and as
14 next friend of Jeffrey Caron, as compensation for
15 personal injuries and wrongful death, in addition to
16 the settlement paid by the State under the Maine Re-

1 vised Statutes, Title 14, chapter 741; and be it fur-
2 ther

3 Tuition paid at the University of Maine System,
4 the Maine Vocational-Technical Institute System or
5 the Maine Maritime Academy. Resolved: That Jeffrey
6 Caron and Tina Marie Caron, the children of
7 Jacqueline A. Caron and Alpee Caron, each be permit-
8 ted to attend the equivalent of 4 years of
9 post-secondary education at the University of Maine
10 System, the Maine Vocational-Technical Institute Sys-
11 tem or the Maine Maritime Academy without payment of
12 tuition or fees; and be it further

13 Full and final settlement. Resolved: That the
14 compensation represented by this resolve be full and
15 final settlement of Jacqueline A. Caron's claim
16 against the State for the death of Alpee Caron; and
17 be it further

18 Allocation. Resolved: That the following funds
19 are allocated from the Highway Fund to carry out the
20 purposes of this resolve.

21 1987-88

22 TRANSPORTATION,
23 DEPARTMENT OF

24 Highway Maintenance - Summer

25 All Other \$75,000

26 Provides funds to
27 provide Jacqueline
28 A. Caron additional
29 compensation for
30 losses suffered from
31 the death of her
32 husband.

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FISCAL NOTE

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This new draft requires the State to absorb the cost of tuition and fees for the 2 Caron children to attend 4 years of post-secondary education within the University of Maine System, the Maine Vocational-Technical Institute System or at the Maine Maritime Academy. This will result in a possible future cost which cannot be estimated at this time.

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STATEMENT OF FACT

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Alphee Caron died on July 10, 1986, when the car he was driving, in which his wife and son were riding, was struck by a large rock which fell from an improperly loaded truck owned and operated by the Department of Transportation. The rock struck Mr. Caron in the head and then passed through the rear window.

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This new draft provides Jacqueline A. Caron with a lump sum payment of \$75,000. This is to be paid in addition to the insurance settlement she will receive under the Maine Tort Claims Act. In addition, the 2 Caron children will each be provided 4 years of post-secondary education within the University of Maine System, the Maine Vocational-Technical Institute System or at the Maine Maritime Academy. This compensation is paid because the negligence of the State and its employees was the proximate cause of Mr. Caron's death and extraordinary damages suffered by Mrs. Caron and her family, both as a result of Mr. Caron's wrongful death and the fact that Mrs. Caron is solely responsible for the 2 minor children and is totally disabled and on a fixed income. The extraordinary damages are based on the severe emotional injuries sustained by Mrs. Caron and her minor child, Jeffrey, as a result of witnessing Mr. Caron's death.

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