

MAINE STATE LEGISLATURE

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EIGHTY-FOURTH LEGISLATURE

House Document

No. 220

S. P. 197 House of Representatives, Feb. 6, 1929.

Referred to Committee on Claims and 500 copies ordered printed. In concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Senator Slocum of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND TWENTY-NINE

RESOLVE, in Favor of J. W. Hanson, the Adjutant General,
for the Funeral Expenses in Connection with the Death of
Florence Rice.

Resolved: That there be, and is hereby, appropriated the
2 sum of one hundred ninety-one (\$191.00) dollars to be paid
3 to J. W. Hanson, the adjutant general, to reimburse him
4 for payment of funeral expenses in connection with the
5 accidental death of Florence Rice, whose death occurred
6 on or about July sixteen, nineteen hundred and twenty-
7 seven.

STATEMENT OF FACTS

Florence Rice, a child twelve years of age, was accidentally struck by U. S. Government automobile No. 13737, driven by the Adjutant General, on the road between Gardiner and Brunswick, July 16, 1927. The Adjutant General was returning from an official visit of the camp of the 240th Coast Artillery then in training at Ft. Williams, Maine, and the child suddenly darted from behind a parked truck across the road directly in front of the car and was struck and died a short time after. An investigation was requested by the driver and he was exonerated by the State Police and the Court from any fault or responsibility in the matter. Notwithstanding, upon investigation, it was found that the family was in rather straightened circumstances and the funeral expenses were paid by the Adjutant General to the amount of \$191.00.

Inasmuch as the vehicle was a car owned by the United States Government and therefore no insurance carried on the same and that the driver was engaged in an official trip it was felt and agreed at the time that it was in the nature of a public act. The Attorney General however ruled that there was no authority under the law for the payment of the funeral expenses from public funds in a case of this kind where there was no liability attached to an act of a representative of the State and advised that the matter be presented to the legislature when it next convened.

Attached herewith is bill and cancelled checks in connection with the expense, which it is requested be returned.