

# MAINE STATE LEGISLATURE

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**Legislative Document**

**No. 110**

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H. P. 327

House of Representatives, January 25, 1945.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Payson of Portland.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-FIVE

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**AN ACT to Confer Jurisdiction upon the United States District Court of  
Maine.**

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**Emergency preamble.** Whereas, on the 17th day of August, 1939 an accident occurred between the lighthouse tender Ilex, owned by the United States, and the Carlton bridge at Bath, Maine, owned by the state of Maine, and

Whereas, the congress of the United States, by public law 545, has conferred jurisdiction upon the United States District Court of Maine to allow the United States to be sued as a private party, and

Whereas, public law 545 states that the jurisdiction thus conferred shall not be exercised unless the state of Maine shall consent to suit in the same cause in any counterclaim asserted by the United States arising out of the same transaction, as though the state of Maine were a private party, and

Whereas, it is necessary for the state of Maine to grant such consent, and

Whereas, in the judgment of the legislature these facts create an emergency within the meaning of section 16 of Article XXXI of the constitution of Maine and require the following legislation as immediately neces-

sary for the preservation of the public peace, health and safety ; now, therefore,

Be it enacted by the People of the State of Maine, as follows :

**Jurisdiction conferred upon the United States District Court of Maine.** Jurisdiction is hereby conferred upon the District Court of the United States for the District of Maine to hear, determine and render judgment as though the state of Maine were suable in tort, upon any counterclaim of the United States, for compensation for damages sustained by its lighthouse tender Ilex, resulting from the collision by the lighthouse tender Ilex, owned and operated by the United States, with the Carlton bridge across the Kennebec river at Bath, Maine, which bridge is owned by the state of Maine. The collision occurred on the 17th day of August, 1939.

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