

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Ninety-seventh Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with subsection VI of section 27 of chapter 10 of the Revised Statutes of 1954.

KENNEBEC JOURNAL
AUGUSTA, MAINE
1955

RESOLVES

OF THE

STATE OF MAINE

As Passed by the Ninety-seventh Legislature

1955

Chapter 81

RESOLVE, Authorizing Kenneth H. Boyington and Ernestine Y. Boyington of South Portland to Sue the State of Maine.

Kenneth H. Boyington and Ernestine Y. Boyington right to sue state. Resolved: That Kenneth H. Boyington and his wife, Ernestine Y. Boyington, of South Portland, in the county of Cumberland, State of Maine, who suffered on the 3rd of October, 1954, serious personal injuries while operating their automobile in the city of South Portland at the intersection of Main Street and Lincoln Street in said city, due, as they claim, to the negligence of the State of Maine and its failure to use reasonable care to prevent the escape of two boys from the State School for Boys at South Portland, who did appropriate an automobile and while operating the same did, as they claim, negligently run into their automobile at the intersection aforesaid, be and hereby are authorized to bring a suit at law in the Superior Court of the county of Cumberland within one year from the 1st day of August, 1955, at any term thereof against the State of Maine, the writ 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 the return day thereof by the sheriff or either of his deputies of any county of the State of Maine and the conduct of said suit shall be according to the practice of suits and proceedings between parties and suitors in said Superior Court and the liabilities of the parties shall be the same as the liabilities between individuals; and the Attorney General is hereby authorized and designated to appear to answer to said suit to recover the damages sustained by said Kenneth H. Boyington and Ernestine Y. Boyington by reason of the injuries aforesaid and any judgment that may be recovered in such suit at law shall be made payable from the institutional emergency fund of the State of Maine on final process issued by said court in said suit at law, and the costs may be taxed for the said Kenneth H. Boyington and Ernestine Y. Boyington if they recover in said suit. Any recovery in said suits shall not be in excess of a total of \$25,000. Hearing thereon shall be before 3 justices of the Superior Court without a jury, said justices to be assigned by the Chief Justice of the Supreme Judicial Court; and be it further

Resolved: That it is the sole intent of the Legislature to authorize the bringing of the suit and that the passage of this resolve shall not in any way be construed as a finding in respect to facts or liability, and such matters as well as the matter of damages, if any, shall be determined by the tribunal above described.

Effective August 20, 1955

Chapter 82

RESOLVE, Providing for a Fish Screen at the Outlet of China Lake, in the Towns of China and Vassalboro, in the County of Kennebec.

Outlet of China Lake; screening of. Resolved: That the sum of \$490 be, and hereby is, appropriated from the funds of the Department of Inland Fisheries and Game, for installing a fish screen at the outlet of China Lake in the towns of China and Vassalboro, Kennebec county; provided, however, that China Lake Fish and Game Association shall assume all liability for maintaining said screen and keeping said screen free from all sticks, leaves and debris so that

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the same will not become clogged and prevent the free running of water through the same; and provided further, that the State shall be liable for only $\frac{1}{2}$ the cost of said screen.

Effective August 20, 1955

Chapter 83

RESOLVE, Designating Route No. 182 as a State Highway.

Route No. 182 designated as state highway. Resolved: That the State Highway Commission be, and hereby is, authorized and directed to designate Route No. 182 in Hancock and Washington counties as a State highway.

Effective August 20, 1955

Chapter 84

RESOLVE, Regulating Fishing in Chain of Ponds in Chain of Ponds Township, County of Franklin.

Emergency preamble. Whereas, acts and resolves do not become effective until 90 days after the Legislature adjourns; and

Whereas, the following legislation is vitally necessary as a conservation measure to regulate fishing in Chain of Ponds, County of Franklin; and

Whereas, such legislation should become effective immediately to regulate such fishing this season; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine, and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Fishing regulated in Chain of Ponds Township, Franklin County. Resolved: That the Commissioner of Inland Fisheries and Game be, and hereby is, authorized and directed to issue a rule and regulation opening Chain of Ponds in Chain of Ponds Township, County of Franklin, to fishing under the general law for Franklin County except that it shall be unlawful to use fish of any kind as bait; and be it further

Resolved: That the Commissioner of Inland Fisheries and Game be, and hereby is, authorized and directed to issue a rule and regulation establishing a daily bag limit and possession limit of 5 fish per person per day from Chain of Ponds in Chain of Ponds Township, County of Franklin; and be it further

Resolved: That chapter 57 of the Resolves of 1955 as heretofore passed by this Legislature is hereby repealed and shall not be printed as part of the Session laws of 1955.

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

Effective May 13, 1955