

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Second Legislature

OF THE

STATE OF MAINE

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Whereas, if said towns so decide to form a School Administrative District, Corinna Union Academy must be administered by the district; and

Whereas, it is vital that the following legislation be passed before the completion of said study; 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

Transfer of Corinna Union Academy to Town of Corinna. Resolved: That the trustees of Corinna Union Academy, Corinna, Maine, transfer to the Town of Corinna, Maine, the building known as Corinna Union Academy, its contents and land, and building known as the Academy House, its contents and land and whatever moneys are on hand at the time of transfer.

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

Effective March 25, 1965

Chapter 13

RESOLVE, Authorizing State Tax Assessor to Convey Land in Portland to Edward F. Lally of Winthrop, Massachusetts.

State Tax Assessor to convey land. Resolved: That the State Tax Assessor be authorized and directed in the name of the State of Maine to execute and convey by quitclaim deed to Edward F. Lally of Winthrop, County of Suffolk and Commonwealth of Massachusetts all interest of the State in and to a certain lot or parcel of land with the buildings thereon described as follows:

A certain lot or parcel of land with the buildings thereon situated on Danforth Street, in the City of Portland, County of Cumberland and State of Maine, being all and the same premises conveyed to the State of Maine by deed of Paul Durgin, Deputy Sheriff, dated August 23, 1962 and recorded in the Cumberland County Registry of Deeds, Book 2696, Page 313, being further described in said deed as "Real estate, Portland, Maine, Assessors Plans on file in Assessors Office, City Hall, Plan 72-B-2, Danforth St., Nos. 520-522, Called No. 526, Area 4140 sq. ft."

Effective September 3, 1965

Chapter 14

RESOLVE, Authorizing Mary Howe Goodall and Stanley Howe to Bring Civil Action Against the State of Maine.

Action against the State of Maine. Resolved: That Mary Howe Goodall, who on July 21, 1963 sustained injuries while riding as a passenger on the motor-

cycle of Weldon Putnam, deceased, on Maine Route No. 159, 5.2 miles south of the intersection of Routes 159 and 11 in Mount Chase, County of Penobscot, due, as claimed, by the negligence of the Maine State Highway Commission in excavating a hole in said Route 159 of which the Maine State Highway Commission failed to adequately warn travelers on said highway and also Stanley Howe, father of Mary Howe Goodall for medical and other expenses incurred by him, are authorized to bring a civil action in the Superior Court for the County of Aroostook within one year from the first day of August, 1965, at any term thereof against the State of Maine for damages, if any, for negligence, if any, of the State of Maine, and the complaint 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 a term of said court by the sheriff or either of his deputies in any county of the State of Maine; and the conduct of said action shall be according to the practice of actions and proceedings between parties in said Superior Court, and the liabilities of the parties and elements of damage, if any, shall be the same as the liabilities and elements of damage between individuals; and the Attorney General is authorized and designated to appear, answer and defend said action. Any judgment that may be recovered in such action shall be payable from the General Highway Fund of the State of Maine on final process issued by said Superior Court or, if appealed, the Supreme Judicial Court, and costs may be taxed for the said plaintiffs if they recover in said action. Any recovery in said action shall not be in excess of \$20,000, including costs. Hearing thereon shall be before 3 Justices, without a jury; said Justices to be assigned by the Chief Justice of the Supreme Judicial Court.

Effective September 3, 1965

Chapter 15

RESOLVE, Authorizing Margarete E. Putnam, Administratrix of the Estate of Weldon Putnam, to Bring a Death Action Against the State of Maine.

Margarete E. Putnam, Administratrix of the Estate of Weldon Putnam, authorized to sue the State of Maine. **Resolved:** That Margarete E. Putnam, Administratrix of the Estate of Weldon Putnam, formerly of Cary Plantation, County of Aroostook, deceased, who on July 21, 1963 sustained a fatal injury while operating his motorcycle on Maine Route No. 159, 5.2 miles south of the intersection of Routes 159 and 11 in Mount Chase, County of Penobscot, due, as claimed, by the negligence of the Maine State Highway Commission in excavating a hole in said Route 159 of which the Maine State Highway Commission failed to adequately warn travelers on said highway, is authorized to bring a death action in the Superior Court for the County of Aroostook within one year from the first day of August, 1965, at any term thereof against the State of Maine for damages, if any, for negligence, if any, of the State of Maine, and the complaint 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 a term of said court by the sheriff or either of his deputies in any county of the State of Maine; and the conduct of said action shall be according to the practice of actions and proceedings between parties in said Superior Court, and the liabilities of the parties and elements of damage, if any, shall be the same as the liabilities and elements of damage between individuals, provided that said administratrix shall be precluded from invoking the Revised Statutes, Title 16, section 1, subsection 2, known as the Dead Man's Statute, and provided that the State of Maine shall be precluded from pleading the statute of limitations as a defense; and the