

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Third Legislature

OF THE

STATE OF MAINE

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RESOLVES  
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## Chapter 28

### RESOLVE, Allocating Money to Rebuild Fish Screen at Outlet of China Lake.

**Fish screen at outlet of China Lake; appropriation. Resolved:** That the Department of Inland Fisheries and Game is directed to expend from its funds the sum of \$175 for the purpose of rebuilding with oak slats the fish screen at the outlet of China Lake, in the Town of Vassalboro, in the County of Kennebec; said funds being  $\frac{1}{2}$  of the estimated cost of said repair, the balance being paid by the China Lakes Sportsmens Club; and be it further

**Resolved:** That said funds shall be expended under the direction of the Commissioner of Inland Fisheries and Game; and be it further

**Resolved:** That said screen shall not be installed at the outlet of China Lake until the Town of Vassalboro shall assume all liability for the keeping of said screen at all times free from sticks, leaves and all debris, so that the same will not become clogged and prevent free running of water through the same.

Effective October 7, 1967

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## Chapter 29

### RESOLVE, Regulating Ice Fishing on Messalonskee Lake, Kennebec County.

**Ice fishing on Messalonskee Lake; regulated. Resolved:** That the Commissioner of Inland Fisheries and Game is authorized and directed to issue a rule and regulation closing Messalonskee Lake, Kennebec County, to ice fishing in December and January of each year and opening the lake to ice fishing in February and March of each year under the general law.

Effective October 7, 1967

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## Chapter 30

### RESOLVE, Authorizing Seaward Construction Company, Inc. to Bring Civil Action Against the State of Maine.

**Seaward Construction Company, Inc. authorized to bring action against State. Resolved:** That Seaward Construction Company, Inc. is authorized to bring an action against the State of Maine, as follows:

Seaward Construction Company, Inc. was awarded highway contracts by the State Highway Commission for Project 1-95-7 (44) (Webb Road Bridge, Pittsfield, Maine), and also for Project 1-95-7 (46) (Bridge over Maine Central Railroad at Route 152, Pittsfield, Maine). Seaward Construction Company, Inc. entered into agreements with J. R. Cianchette & Sons, Inc. for subletting portions of both of said projects, and approval for such subletting was given by the State Highway Commission on July 17, 1963 and July 24, 1963, respectively.

On August 1, 1963, the State Highway Commission withdrew its approval of such subletting to J. R. Cianchette & Sons, Inc., alleging that J. R. Cianchette & Sons, Inc. did divert material from a sectioned borrow pit on Project 1-95-7 (44) to private use, without notification or approval from the State Highway Commission's engineers. As a result of such withdrawal of approval of the subletting of such contracts, Seaward Construction Company, Inc. was forced to secure other contractors to complete such projects. The additional cost to Seaward Construction Company, Inc. of securing performance of the portions of the aforesaid highway projects previously subcontracted to J. R. Cianchette & Sons, Inc. was \$16,000.

Seaward Construction Company, Inc., which sustained costs and expenses of \$16,000 as the result, as claimed, of the improper withdrawal by the Maine State Highway Commission of permission to sublet portions of State Highway Projects numbered 1-95-7 (44) and 1-95-7 (46) to J. R. Cianchette & Sons, Inc. are authorized to bring a civil action in the Superior Court in the County of Androscoggin within one year from the first day of March, 1967, at any term thereof, against the State of Maine for damages, if any, for the improper action, if any, of the State of Maine as aforesaid; 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 parties recovering in said action. Any recovery in the said action shall not be in excess of \$16,000, including costs. Hearing thereon shall be before a Justice of the Supreme Judicial or Superior Court, without a jury, as assigned by the Chief Justice of the Supreme Judicial Court.

Effective October 7, 1967

## Chapter 31

### RESOLVE, Authorizing Conveyance of State Land and Easement to the City of Portland for the Portland Municipal Airport.

**Conveyance of land to City of Portland; authorized. Resolved:** That the Commissioner of Mental Health and Corrections is authorized to sell and convey by quitclaim deed such fee title to and easement over such part or parts of the land belonging to the State and occupied by the Boys Training Center in South Portland, as may be deemed by said commissioner to be necessary for the expansion or improvement of the Portland Municipal Airport. Such conveyances shall be on such terms and conditions as the said commissioner shall decide, subject to the approval of the Governor and Council.

Effective October 7, 1967