

MAINE STATE LEGISLATURE

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ACTS, RESOLVES AND CONSTITUTIONAL RESOLUTIONS

AS PASSED BY THE

One Hundred and Sixth Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with the Revised Statutes of 1964, Title 3, Section 164, Subsection 6.

THE KNOWLTON AND McLEARY COMPANY
FARMINGTON, MAINE
1973

RESOLVES
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Sixth Legislature
1973

Whereas, it is vitally necessary that the Legislature authorize the carrying forward of such funds; 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

Funds carried forward. Resolved: That the sum of \$50,000 appropriated by chapter 30 of the Resolves of 1971 to the Pineland Hospital and Training Center, Department of Mental Health and Corrections, to aid in the construction of a swimming pool not lapse on June 30, 1973, but be carried forward for such purpose into the fiscal year ending June 30, 1974, and into the fiscal year ending June 30, 1975.

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

Effective May 15, 1973

CHAPTER 21

RESOLVE, Authorizing Attorney General to Convey Interest of the State in Frogg Island in Little Sebago Lake to Ruel E. Taylor, Jr.

Certain island conveyed to Ruel E. Taylor, Jr. Resolved: That the Attorney General is authorized to convey by quitclaim deed to Ruel E. Taylor, Jr., the interest of the State in Frogg Island situated in Little Sebago Lake in the Town of Gray, Cumberland County, which island lies in whole or in part between the ancient low water mark as established by the common law and the present low water mark of said lake.

Effective October 3, 1973

CHAPTER 22

RESOLVE, Authorizing County Commissioners of Aroostook County to Extend Route 161.

County commissioners to extend Route 161; authorization. Resolved: That the county commissioners of Aroostook County are authorized to lay out and design an extension of Route 161 from Allagash Plantation, Aroostook County, to the Town of St. Pamphile, Province of Quebec.

Effective October 3, 1973

CHAPTER 23

RESOLVE, Authorizing Berkshire Mutual Insurance Company to Bring Civil Action against the State of Maine.

Berkshire Mutual Insurance Company; authorized to sue the State of Maine. Resolved: That Berkshire Mutual Insurance Company, which paid for damages to the home and personal property of Leonard Smith of Jay, who

was covered by insurance of the said Berkshire Mutual Insurance Company, due to the negligence of the State Department of Transportation while constructing a highway on the Canton Road in said Jay, is authorized to bring an action in the Superior Court for the County of Franklin, within one year from the effective date of this resolve, at any term thereof against the State of Maine for damages, if any, 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 said civil action shall be payable from the General Highway Fund on final process issued by said Superior Court or, if appealed, the Supreme Judicial Court, and costs may be taxed for the said Berkshire Mutual Insurance Company if it recovers in said action. Any recovery in said action shall not be in excess of \$4,000, including costs. Hearing thereon shall be before a justice, without a jury; said justice to be assigned by the Chief Justice of the Supreme Judicial Court.

Effective October 3, 1973

CHAPTER 24

RESOLVE, Authorizing Fred P. Haskell, or his Legal Representative, to Bring Civil Action Against State of Maine.

Fred P. Haskell; authorized to sue the State of Maine.

Resolved: That Fred P. Haskell of New Gloucester in the County of Cumberland, who suffered damages to his home and personal property, on November 12, 1962, caused by fires and other malicious damage, allegedly performed by inmates of the Pineland Hospital and Training Center, or his legal representative, is authorized to bring an action in the Superior Court for the County of Cumberland, within one year from the effective date of this resolve, at any term thereof against the State of Maine for damages, if any, 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 said civil action shall be payable from the State Treasury on final process issued by said Superior Court or, if appealed, the Supreme Judicial Court, and costs may be taxed for the said Fred P. Haskell if he recovers in said action. Any recovery in said action shall not be in excess of \$11,000, 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 October 3, 1973