

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Sixth Legislature
1ST SPECIAL SESSION
JANUARY 2, 1974 TO MARCH 29, 1974
AND BY THE
One Hundred and Seventh Legislature
REGULAR SESSION
JANUARY 1, 1975 TO JULY 2, 1975

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
1975

RESOLVES
OF THE
STATE OF MAINE

AS PASSED BY THE
One Hundred and Sixth Legislature

AT THE
SPECIAL SESSION

January 2, 1974

to

March 29, 1974

leased to and under the control of the Department of Transportation, to flow negligently onto the traveled way of Route 127, the incident occurring not in the course of normal maintenance operations, be and is authorized to bring an action in the Superior Court for the County of Sagadahoc within one year from the effective date of this resolve, 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 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 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 the said Superior Court, or if appealed, the Supreme Judicial Court, and costs may be taxed for the said Robert A. Denticio if he recovers in said action. Hearing thereon shall be before a Justice of the Supreme Judicial Court or the Superior Court without a jury; and said Justice to be assigned by the Chief Justice of the Supreme Judicial Court.

Effective June 28, 1974

CHAPTER 86

RESOLVE, Providing for the Replacement of Babb's Covered Bridge in Windham and Gorham.

Replacement of Babb's Covered Bridge in Windham and Gorham. Resolved: That the Maine Department of Transportation may, when funds can be made available, construct a covered wooden bridge to replace the former covered wooden bridge known as Babb's Bridge over the Presumpscot River on the Hurricane Road between the Towns of Windham and Gorham, replacement of the bridge to be subject to an agreement between the Towns of Windham and Gorham and the Department of Transportation including, but not limited to, the following conditions:

1. That the new bridge shall be a replica of Babb's Bridge which was destroyed by fire on May 6, 1973 and shall provide for the same load limit, namely 4 tons gross weight of vehicle and load, as was carried on the bridge that was destroyed by fire;

2. That the Towns of Windham and Gorham shall protect the new bridge against vandalism and destruction by fire by adequate police protection, or insurance covering loss, or a combination of both or other provisions to be contained in the agreement;

3. In the event the new bridge is destroyed by fire, vandalism or otherwise, the State of Maine will not be responsible for replacing the same except with a conventional steel and concrete bridge as may be constructed under the provisions of the so-called General Bridge Act, the Revised Statutes, Title 23, sections 451 to 459, with the necessary right-of-way for such construction to be provided by the 2 towns;

4. Construction of the bridge will not be authorized by the Department of Transportation until the Towns of Windham and Gorham, at a special town meeting in Windham to be held before August 1, 1974, and by the town council of Gorham before August 1, 1974, authorize the towns to execute the agreement with the State Department of Transportation, and further, if either or both towns fail to authorize the towns to enter into the agreement, the State of Maine will not be responsible for replacing Babb's Bridge, except under the provisions of the so-called General Bridge Act.

Effective June 28, 1974

CHAPTER 87

RESOLVE, to Reimburse Gerald Perkins of Bucksport for Loss of Beehives by Bear.

Gerald Perkins; reimbursed. Resolved: That there is appropriated from the Unappropriated Surplus of the General Fund the sum of \$196.40 to be paid to Gerald Perkins of Bucksport as a full and final settlement of his claim against the State for loss of beehives and honey destroyed by bear.

Effective June 28, 1974

CHAPTER 88

RESOLVE, to Reimburse Mr. and Mrs. Ernest Glidden of Gardiner for Property Damages Caused by State Wards.

Mr. and Mrs. Ernest Glidden; reimbursed. Resolved: That there is appropriated from the Unappropriated Surplus of the General Fund the sum of \$503.38 to be paid to Mr. and Mrs. Ernest Glidden of Gardiner as a full and final settlement of their claim against the State for damages to their property caused by 2 state wards.

Effective June 28, 1974

CHAPTER 89

RESOLVE, to Reimburse Ansel Fowler, Sr., of Costigan for Loss of Beehives.

Ansel Fowler, Sr.; reimbursed. Resolved: That there is appropriated from the Unappropriated Surplus of the General Fund the sum of \$200 to reimburse Ansel Fowler, Sr., of Costigan as a full and final settlement of his claim against the State for loss of beehives destroyed by bears.

Effective June 28, 1974