

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

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 Seventh Legislature  
1975

---

---

As a result of the alleged negligence of the employees of the Augusta Mental Health Institute and the Augusta Mental Health Institute, Priscilla Blodgett again attempted suicide and suffered serious injuries including but not limited to a permanent impairment of one side of her face.

Such action, if authorized, is to be brought in the Superior Court for the County of Kennebec within one year from the passage of this resolve, against the State of Maine for damages, if any, and the conduct of such action shall be according to the practice of actions or proceedings between parties in said Superior Court. The liabilities of the parties and elements of damage, if any, shall be the same as liabilities and elements of damage as between individuals. 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. The Attorney General is authorized and designated to appear, answer and defend said action.

Any judgment that may be recovered in this civil action shall be payable from the State Treasury on final process issued by the said Superior Court, or if applicable, the Supreme Judicial Court, and costs may be taxed for Priscilla D. Blodgett if she recovers in the action, and her recovery shall not exceed \$25,000 including costs. Hearing thereon shall be before a Justice of the Supreme Judicial Court or Superior Court without a jury, said Justice to be assigned by the Chief Justice of the Supreme Judicial Court.

Effective October 1, 1975

---

---

## CHAPTER 8

### **RESOLVE, Authorizing the Destruction of Student Fingerprint Cards Maintained by State.**

**Destruction of student fingerprint cards, authorized. Resolved:** That the State Archivist is authorized to destroy the student fingerprint cards which were transferred by the Maine State Police to his custody upon the termination of the student fingerprint program by Public Law 1973, chapter 5.

Effective October 1, 1975

---

---

## CHAPTER 9

### **RESOLVE, Authorizing Sherman Collins, Francis Fitzmaurice, the Estate of Durward G. Turner, Durward G. Turner, Jr., David G. Turner and Ellen S. Turner to Bring Civil Action Against the State of Maine.**

**Emergency preamble.** Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, there is now pending in the Superior Court of the County of Franklin a lawsuit filed by Eleanor Turner as administratrix of the estate of Durward Turner, Durward G. Turner, Jr., David G. Turner and Ellen S. Turner and naming as defendants Sherman Collins and Francis Fitzmaurice and being Civil Action Docket No. 2513 on the docket of said court; and

Whereas, delay of the trial of said matter would work a hardship on the parties plaintiff; and

Whereas, trial of the matter without the relief herein requested would be a great hardship upon all parties; and

Whereas, it has been alleged in said civil actions that the State of Maine caused, in whole or in part, the damages complained of; 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

Sherman Collins of Farmington, County of Franklin and State of Maine, Francis Fitzmaurice of New Vineyard, County of Franklin and State of Maine, the estate of Durward G. Turner and Durward G. Turner, Jr., David G. Turner and Ellen S. Turner, all of North Chesterville, County of Franklin and State of Maine, to bring civil action against State of Maine. Resolved: That Sherman Collins of Farmington, County of Franklin, who is named as a party defendant in the above described actions and who will suffer damages in the event liability is found as against him, and Francis Fitzmaurice of New Vineyard, County of Franklin, who suffered severe and permanent injuries to his person and to his property on July 7, 1971 in a traffic accident on that date, allegedly caused by negligent conduct on the part of agents, servants, or employees of the State of Maine Highway Department and negligence of the State of Maine in allowing a dangerous condition to exist on a state highway, to wit, Knowlton Corner Road, so called, in Farmington, in the County of Franklin and both of whom are subject to liability arising out of said accident because of injuries to Durward G. Turner, Jr., David G. Turner, and Ellen S. Turner all of North Chesterville, in the County of Franklin and because of the death of Durward G. Turner, late of North Chesterville in the County of Franklin, such liability now at issue in a lawsuit styled Eleanor Turner as administratrix of the estate of Durward Turner, Durward G. Turner, Jr., David G. Turner, and Ellen S. Turner versus Sherman Collins and Francis Fitzmaurice and being Docket Number 2513 in the Superior Court for the County of Franklin, are authorized to bring a 3rd party complaint in the aforementioned lawsuit or are authorized to initiate a complaint in the Superior Court for the County of Franklin, within one year from the effective date of this resolve, at any time thereof against the State of Maine for damages, if any, sustained by the said Sherman Collins and Francis Fitzmaurice and for contribution and indemnification for any judgment which may be obtained against the said Sherman Collins and Francis Fitzmaurice by Eleanor Turner as administratrix of the Durward Turner estate, Durward G. Turner, Jr., David G. Turner or Ellen S. Turner all of Chesterville, County of Franklin and State of Maine, and the said Eleanor Turner as administratrix of the Durward Turner estate, Durward G. Turner, Jr., David G. Turner or Ellen S. Turner all of Chesterville, County of Franklin and State of Maine, are authorized within one year from the effective date of this Resolve, to join the State of Maine as a party defendant in Civil No. 2513 or to institute a separate civil action in the Superior Court of Franklin County against the State of Maine for damages sustained by the said Durward G. Turner, the Estate of Durward G. Turner, Eleanor Turner, Durward G. Turner, Jr., David G. Turner and Ellen S. Turner as a result of a traffic accident on July 7, 1971; and aforesaid parties being further authorized to assert any and all causes of action against the State of Maine, arising out of said accident,

including, without limitation, a claim for contribution and indemnification. A complaint or 3rd party complaint and summons issued 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 of the County of Kennebec, State of Maine; and the conduct of said action shall be according to the practices of actions and proceedings between parties in the 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 damages between individuals. The Attorney General or one of his assistants or designee is authorized and designated to appear, answer and defend said action and if said action is brought within one year from the effective date of this resolve, he shall not raise any defense based on any statute of limitations. Any judgment that may be recovered against the State of Maine 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 parties as they may recover in said action. Any recovery in said action, including any adjudicated right of contribution or indemnification, shall not be in excess of \$250,000 including costs. Hearing thereon shall be before a justice, with or without jury; said justice to be the regularly scheduled justice presiding in the Franklin County Superior Court when this matter is scheduled for trial.

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

Effective April 30, 1975

---

---

## CHAPTER 10

### **RESOLVE, Authorizing Conveyance of State Land and Easements to City of Calais for Drainage and Road Construction Regarding the High School Project.**

**Emergency preamble.** Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, plans for construction of a high school at Calais call for installation of a drainage line across state land to drainage facilities and an access roadway; and

Whereas, it is necessary for the Legislature to approve the necessary conveyance and easements to the City of Calais at the earliest possible time so that construction may be accomplished; 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

**Conveyance of land and easements to City of Calais; authorized. Resolved:** That the Commissioner of Educational and Cultural Services is authorized to grant and convey by quitclaim deed such fee title to and easements over such part or parts of the land belonging to the State and occupied by the Washington County Vocational-Technical Institute in Calais