

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

January 5, 1977 to July 25, 1977

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 164, SUBSECTION 6.

PORTLAND LITHOGRAPH COMPANY
PORTLAND, MAINE
1977

RESOLVES
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND EIGHTH LEGISLATURE

1977

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	1975	1976	Totals
Parsonsfield	13,120.78	12,819.13	25,939.91
Saco	—	456.92	456.92
Sanford	—	926.21	926.21
Wells	—	448.21	448.21
Totals	\$141,919.52	\$208,888.00	\$350,807.52

Effective October 24, 1977

CHAPTER 54

RESOLVE, Authorizing Alban E. Cyr, Sr., and Cyr Brothers Meatpacking, Inc., and Cyr Food, Inc., of Caribou to Bring Civil Action Against an Agency of the State of Maine.

Sec. 1. Alban E. Cyr, Sr., and Cyr Brothers Meatpacking, Inc., and Cyr Food, Inc., of Caribou; authorized to sue the State of Maine. Resolved: That Alban E. Cyr, Sr., Cyr Brothers Meatpacking, Inc. and Cyr Foods, Inc. of Caribou, in the County of Aroostook and State of Maine, who suffered injury caused by the Department of Environmental Protection, are authorized to bring an action in the Superior Court for the County of Aroostook within one year from the effective date of this resolve against the Department of Environmental Protection, an agency of the State of Maine, for damages, if any, and the complaint issuing out of the Superior Court under the authority of this resolve shall be served on the Secretary of State by attested copy 30 days after issue by the sheriff or either of his deputies in any county of the State of Maine; and the conduct of the action shall be according to the practice of actions and proceedings between the parties in the Superior Court; and the liabilities of the parties and elements of damage, if any, shall be the same as the liabilities of the parties and elements of damage between individuals; and the Attorney General is authorized and designated to appear, answer and defend this action. Any judgment that may be recovered in this civil action shall be payable from the General Fund on final process issued by the Superior Court or, if appealed, the Supreme Judicial Court, and costs may be taxed for Alban E. Cyr, Sr., Cyr Brothers Meatpacking, Inc. and Cyr Foods, Inc. if they recover in this action. Any recovery in this action shall not be in excess of \$300,000, including costs. Hearing thereon shall be before a Justice of the Superior Court or a Justice of the Supreme Judicial Court, sitting in the Superior Court, without a jury; the justice shall be assigned by the Chief Justice of the Supreme Judicial Court.

Sec. 2. **Appropriation.** There is appropriated from the General Fund to the Department of the Attorney General the sum of \$3,000 for payment of costs and expenses for the defense of this action. The breakdown shall be as follows:

ATTORNEY GENERAL, DEPARTMENT OF
All Other

\$3,000

Effective October 24, 1977

CHAPTER 55

RESOLVE, Authorizing and Directing the Commissioner of Marine Resources, the Commissioner of Inland Fisheries and Wildlife and the Atlantic Sea Run Salmon Commission to Take the Steps Necessary to Assure the Construction of a Fishway on the Dam Obstructing the Kennebec River at Augusta.

Commissioners of Marine Resources and Inland Fisheries and Wildlife and the Atlantic Sea Run Salmon Commission are authorized and directed to exercise their respective powers to assure the construction of a fishway on the dam obstructing the Kennebec River at Augusta. **Resolved:** That the Commissioners of Marine Resources and Inland Fisheries and Wildlife and the Atlantic Sea Run Salmon Commission are authorized and directed to use their statutory powers to assure the construction of a fishway on the dam obstructing the Kennebec River at Augusta, and to:

1. **Investigate.** Diligently investigate the legal issues that shall be resolved before a fishway can be constructed on the dam at Augusta and seek the assistance of the Department of the Attorney General with regard to such matters;

2. **Initiate and prosecute.** Through the Attorney General, initiate and prosecute whatever legal actions are appropriate and necessary to resolve such legal issues, including petitioning and intervening before the Federal Power Commission with regard to modification of the license of the dam issued by the Federal Power Commission;

3. **Take appropriate and necessary steps.** Take whatever other steps are appropriate and necessary to accomplish the objectives of this resolve, including negotiations with the owners of the dam at Augusta;

4. **Propose legislation.** Propose any legislation needed to aid them in carrying out objectives of this resolve; and

5. **Reports to Legislature.** On or before January 30, 1978, and at each annual session thereafter until completion of the project, the Commissioners of Marine Resources, Inland Fisheries and Wildlife and the Atlantic Sea Run Salmon Commission shall submit progress reports to the Legislature describing all actions taken pursuant to this resolve and all remaining obstacles to the construction of a fishway or the dam obstructing the Kennebec River at Augusta.