

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE
AT THE

SECOND REGULAR SESSION

January 4, 1978 to April 6, 1978

FIRST SPECIAL SESSION

(No laws enacted)

September 6, 1978 to September 15, 1978

SECOND SPECIAL SESSION

October 18, 1978

THIRD SPECIAL SESSION

December 6, 1978

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

K. J. Printing
Augusta, Maine
1979

RESOLVES
OF THE
STATE OF MAINE
AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND EIGHTH LEGISLATURE
January 4, 1978 to April 6, 1978

CHAPTER 86

RESOLVE, Authorizing the Sagadahoc County Commissioners to Pay an Overdraft for 1977.

Overdraft; authorization for payment.

Resolved: That the county commissioners of Sagadahoc County are authorized to pay from the unappropriated surplus of county funds the sum of \$24,020.50 to cover an overdraft of that amount in the sheriff's department for 1977.

Effective July 6, 1978

CHAPTER 87

RESOLVE, Authorizing Beverly Mortimer and Dennis Perkins 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, with the passage of time, the plaintiff's ability to discover material facts, which would otherwise aid them in establishing their claim and insure that justice will be done, will be impaired; 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

Beverly Mortimer and Dennis Perkins to bring civil action against State. Resolved: That Beverly Mortimer, individually and as natural guardian and next friend of the minor child Dennis Perkins, is authorized to bring suit against the State for injuries to Dennis Perkins which are alleged to have occurred while he was in the custody of the State on or about October 2, 1976 in Limerick, Maine; and for which it is alleged the State is liable because of its negligence.

Such action, if authorized, is to be brought in the Superior Court for the County of Cumberland 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 the Superior Court. Other parties may be joined with the State as defendants in this action. The

complaint issuing out of the Superior Court under the authority of this resolve shall be served upon the State as provided by, the Maine Rules of Civil Procedure, Rule 4. The Attorney General is authorized and designated to appear, answer and defend the action.

Any judgment that may be recovered in this civil action shall be payable from the State Treasury on final process issued by the Superior Court or, if there is an appeal, the Supreme Judicial Court, and costs may be taxed for Beverly Mortimer and Dennis Perkins if they recover in the action. Any recovery against the State in that action shall not exceed \$100,000, including costs. Hearing thereon shall be before a Justice of the Superior Court with or without a jury.

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

Effective April 3, 1978

CHAPTER 88

RESOLVE, to Appeal the Decision of State Claims Board Regarding Property Damage Claims from Collapse of Building at Northern Maine Vocational-Technical Institute.

Claims appeal to the Legislature. Resolved: That the decision of the State Claims Board be appealed to the Legislature pursuant to the Revised Statutes, Title 5, section 1510, subsection 1; and be it further

Resolved: That there is appropriated from the General Fund the sum of \$4,132.84 to reimburse the following persons in the amounts indicated as a full and final settlement of their claims for property damage against the State due to the collapse of a building at Northern Maine Vocational-Technical Institute:

William H. Bess, Jr.	\$ 700.00
Wayne L. Dube	403.19
David G. Stickney and Travis Turner	691.30
Adelbert Sutherland	338.35
Gerald Vaughan	2,000.00
	<u> </u>
	\$4,132.84

Effective July 6, 1978