

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIRST LEGISLATURE

Legislative Document

No. 387

H. P. 293

House of Representatives, January 17, 1963.

Referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Pease of Wiscasset.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-THREE

**RESOLVE, Authorizing Clarkeson Engineering Company to Bring Civil
Action Against State of Maine.**

Clarkeson Engineering Company, Inc.; authorized to sue the State of Maine.

Resolved: That Clarkeson Engineering Company, Inc., a Massachusetts corporation duly qualified to do business in the State of Maine, which asserts it is entitled to compensation for certain engineering services performed by it under and in addition to contracts with the State Highway Commission of the State of Maine, in connection with the construction of what is known as Interstate Route 95 in the Bangor area and Waterville area, which services include services in connection with supervision of field painting of structures, services in connection with the splitting of construction contracts, services rendered beyond the time periods specified and contemplated in various contracts, design work on the Kennebec Bridge, services of witnesses, and other engineering services for which it has not been compensated, is authorized to bring a civil action for such compensation within one year from the effective date of this resolve in the Superior Court in and for the County of Kennebec. The complaint and summons issuing out of said Superior Court in said civil action shall be served on the Secretary of State by true copy by the sheriff or any of his deputies in any county of the State of Maine, and the conduct of said action shall be according to the practice and procedure of civil actions between individual parties in said Superior Court, and the substantive rights and liabilities of the parties shall be the same as rights and liabilities between individuals.

Any recovery in said action shall not exceed the principal sum of \$118,883.54. The Attorney General or one of his assistants is authorized and designated to appear in answer to said complaint and defend on behalf of the State of Maine.

Any judgment which may be recovered in said action shall be payable from the General Highway Fund of the State of Maine on final process issued by said Superior Court, or, if appealed, the Supreme Judicial Court, and costs may be taxed in favor of said Clarkeson Engineering Company, Inc. and interest shall be allowed from the date of said complaint if there is recovery in said action. Said action shall be tried before the court without a jury.