

MAINE STATE LEGISLATURE

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February 25, 1946

To Lucius D. Barrows, Chief Engineer, State Highway Commission

Re: Auto Damage, Sylvan Applebee

This matter was brought to my attention this morning. . . and I understand that you would like an opinion from my office as to the legality of paying this claim of \$164.25

The situation as I get it from the correspondence and from Mr. Church and Mr. Robbins of your department is that Plantation No. 3, Hancock County, was allowed \$200 for the year 1946-7 to aid in repairing the road from Burlington to Nicasious Lake and that the Plantation rented a grader from the State Highway Commission to do work on this road and Everett W. Clark was employed to supervise the work and his pay came from the special road Resolve money appropriated for this purpose.

Furthermore, the story goes that Mr. Clark lives in Howland and one evening after work he was traveling through the town of Enfield, towing the grader which was under rental to the Plantation and being used on the Plantation job in Hancock, and for some reason or other the safety bolt or iron dropped out and the grader went off the State aid road into Mr. Applebee's yard and struck his car, damaging same to the extent of \$164.25, according to the invoice attached to the correspondence.

I will say that there is no appropriation or funds to pay a claim of this size for damage to Mr. Applebee's car. The proper thing for him to do is to have his representative present same to the next legislature by special Resolve, which will include a statement of facts of what happened, because in my opinion the State of Maine is not legally liable for this accident and there is no fund from which to pay any damages in a case of this kind. . .

Ralph W. Farris
Attorney General

RWF:c