

MAINE STATE LEGISLATURE

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ONE - HUNDREDTH LEGISLATURE

Legislative Document

No. 4

S. P. 4

Office of the Clerk of the House

Filed November 23, 1960 under Joint Rule 19A by Senator Marden of Kennebec. To be printed and delivered to the Senate of the 100th Legislature.

HARVEY R. PEASE, Clerk

Presented by Senator Marden of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-ONE

**RESOLVE, Authorizing Charlotte Alex to Bring Action Against the State of
Maine.**

Charlotte Alex; authorized to sue the State of Maine. Resolved: That Charlotte Alex of New York City and State of New York, who suffered on the 10th day of June, 1960 serious personal injuries while operating her motor scooter on a Maine highway, to wit: on U. S. Route 201 in Skowhegan, in the County of Somerset and State of Maine, due, as she claims, to the negligence of the tarring crew of the State Highway Commission in placing excessive sand on the said highway, be and hereby is authorized to bring an action in the Superior Court for the County of Kennebec within one year from the first day of August, 1961, at any term thereof against the State of Maine for damages, if any, for negligence, if any, of the State of Maine, and 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 30 days before a term of said court by the sheriff or either of his deputies in any county of the State of Maine; and the conduct of said action shall be according to the practice of actions and proceedings between parties in 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 damage between individuals; and the Attorney General is hereby authorized and designated to appear, answer and defend said action. Any judgment that may be recovered in such 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 for the said Charlotte Alex, if she recovers in said action. Any recovery in said action shall not be in excess of \$10,000 including costs. Hearing thereon shall be before 3 Justices of the Superior Court, without a jury; said justices to be assigned by the Chief Justice of the Supreme Judicial Court.