

# MAINE STATE LEGISLATURE

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(EMERGENCY)

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ONE - HUNDRETH LEGISLATURE

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Legislative Document

No. 577

H. P. 402

House of Representatives, January 19, 1961

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

HARVEY R. PEASE, Clerk

Presented by Mr. Baxter of Pittsfield.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-ONE

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**RESOLVE, Authorizing Cianchette Bros., Inc. to Bring Civil Action Against  
State of Maine.**

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**Emergency preamble.** Whereas, acts of the Legislature do not become effective until 90 days after the Legislature has adjourned unless enacted as emergencies; and

Whereas, the accurate establishment of costs of completed federal highway projects is essential to the planning of future highway projects in the next fiscal year; and

Whereas, prompt judicial determination of pending claims relating to such projects is necessary to such establishment and is vital in obtaining 90% federal participation in the project costs; 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,

**Cianchette Bros., Inc.; authorized to sue the State of Maine. Resolved:** That Cianchette Bros., a corporation located at Pittsfield, County of Somerset, and State of Maine, which claims to be entitled to recover additional compensation for extra work performed in the construction of Messalonskee Stream Bridge in Waterville by virtue of a contract with the State Highway Commission, is authorized to bring a civil action for such claimed compensation within one year from the effective date of this resolve in the Superior Court for the

County of Somerset. The complaint issuing out of said Superior Court under the authority of this resolve shall be served on the Secretary of State by true copy 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 practices of actions and proceedings between individual parties and suitors 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 sum of \$101,158.38. The Attorney General is authorized and designated to appear, answer and defend said action. Any judgment that may be recovered in said civil action shall be payable from the Highway Fund of the State on final process issued by said Superior Court, or, if appealed, the Supreme Judicial Court and costs may be taxed to the said Cianchette Bros., Inc. if it recovers in said action. 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.

**Emergency clause.** In view of the emergency cited in the preamble, this resolve shall take effect when approved.