

# MAINE STATE LEGISLATURE

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**Legislative Document**

**No. 665**

H. P. 465

House of Representatives, January 24, 1961

Referred to the Committee on Claims, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Rust of York.

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**STATE OF MAINE**

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-ONE

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**RESOLVE in Favor of Richard S. Foster, of York.**

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**Richard S. Foster; reimbursed. Resolved:** That there is appropriated from the General Highway Fund the sum of \$800 to reimburse Richard S. Foster, of York, for damage to his personal property as a result of fresh tar being spattered from U. S. route #1 over and upon nursery stock, accessories and automobile.

**STATEMENT OF FACTS**

Claimant, Richard S. Foster of York, proprietor of White Ledge Greenhouses located on the Easterly side of route #1 at Cape Neddick, Maine, has on display outside of the greenhouses box plant, cement and plastic garden accessories.

On or about Memorial Day weekend 1960 at approximately 7 a.m. the State of Maine highway crew freshly tarred route #1 with the hopes that they could have the highway sanded before it started to rain. However, the downpour came sooner than they thought with the result that fresh tar was floating upon the water. Vehicles were not stopped resulting in the water and liquid tar being spattered and sprayed upon Foster's display.

Immediately the foreman, Mr. Avery, was called by Mr. Foster and in turn Mr. Elmer Young viewed the premises. Mr. Foster tried several methods to clean the statues and other accessories but the paint either came off or the article was stained, making them useless to sell. Also spattered was a new Jeep truck which had to have a complete new paint job and new seat covers for the front seat. This paint job was done by Mr. Foster himself.

Attached herewith is an itemized breakdown of damage showing a total of \$1,143.75. However, Mr. Foster did submit a bill to the Highway Department offering to settle the same for \$800 due to the fact that he used many of the articles himself and gave many away. Also the bill of \$800 represents the wholesale price.

1000 box plants @ 75c	\$750.00
7 shrubs @ \$8.25	57.75
12 Flamingos @ \$3.00 (plastic)	36.00
6 sets of ducks @ \$3.00	18.00
Cement Urns	30.00
Gazing Globes	17.50
Bird Bath	9.50
Statues (colored)	25.00
1 Horse (cement)	37.50
1 Deer (cement)	37.50
2 Statues @ \$25.00	50.00
Damage done to Truck	
Inside — seats	
Outside — repaint job	
Cleaning	75.00
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Total	\$1,143.75