

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIRST LEGISLATURE

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**Legislative Document**

**No. 295**

H. P. 225

House of Representatives, January 16, 1963

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Hanson of Gardiner.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-THREE

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**RESOLVE, Authorizing Gardiner Savings Institution to Bring Civil Action  
Against the State of Maine.**

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**Gardiner Savings Institution; authorized to sue the State of Maine. Resolved:** That Gardiner Savings Institution, of Gardiner, County of Kennebec, and State of Maine, who claims to have suffered damage to an artesian well on real estate owned by it in Pittston, Kennebec County, by virtue of road construction and blasting while completing project number S-0163 (2) in said town, is authorized to bring a civil action for such claimed damage in the Superior Court for the County of Kennebec within one year from the effective date of this resolve, at any term thereof, against 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 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 practice of civil actions and proceedings between parties and suitors 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 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 State Treasury on final process issued by said Superior Court or, if appealed, the Supreme Judicial Court, and costs may be taxed for the said Gardiner Savings Institution if it recovers in said action. Any recovery in said action shall not be in excess of \$2,300, 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.