

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIRST LEGISLATURE

Legislative Document

No. 296

H. P. 226

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. Treworgy of Gorham.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-THREE

**RESOLVE, Authorizing George W. Carson, Jr. and Marion P. Carson to Bring
Action Against the State of Maine.**

George W. Carson, Jr. and Marion P. Carson; authorized to sue the State of Maine. Resolved: That George W. Carson, Jr. and Marion P. Carson of Gorham in the County of Cumberland and State of Maine, who suffered damages because of loss of water supply occasioned by the taking of part of their property by the State Highway Commission to construct a highway and by the construction of such highway, be and are authorized to bring an action in the Superior Court for the County of Cumberland, within one year from the first day of August 1963, 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 George W. Carson, Jr. and Marion P. Carson if they recover in said action. Any recovery in said action shall not be in excess of \$5,000 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.