

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIRST LEGISLATURE

Legislative Document

No. 551

H. P. 382

House of Representatives, January 23, 1963

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

HARVEY R. PEASE, Clerk

Presented by Mr. Noel of Waterville.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-THREE

RESOLVE, Authorizing the Estate of Frank E. Lemli, Formerly of The Forks, Maine, to Sue the State of Maine.

Estate authorized to sue State of Maine. Resolved: That the estate of Frank E. Lemli, acting by his personal representative, is authorized to bring a civil action against the State of Maine, in the Superior Court for the County of Kennebec within one year from the first day of August, 1963, for damages, if any, resulting from the death of Frank E. Lemli, formerly of The Forks, Maine, who, his estate claims, was wrongfully, recklessly or negligently shot and killed on Saturday, September 29, 1962, in a garage in Skowhegan, Maine, allegedly, his estate claims, as a result of the wanton, reckless, unlawful, wrongful or negligent actions and manner by which his capture and apprehension as an escaped prisoner was attempted and executed by law enforcement officers of the State of Maine, or other person or persons acting at their request, on their behalf, or in cooperation therewith; and the complaint to be filed in said Superior Court under the authority of this resolve shall be served on the Secretary of State by attested copy 30 days, at least, before a term of said court by the sheriff or either of his deputies in any county in the State of Maine, and the conduct of said action shall be according to the practices of 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 and to answer said action to recover damages, if any, sustained by the Estate of Frank E. Lemli by reason of the death of Frank E. Lemli. Any judgment that may be recovered in such action shall be payable from the Unappropriated Surplus of the General Fund on final process issued by said Superior Court, or, if appealed, the Supreme Judicial Court; and costs may be taxed for the said Estate if it recovers in said action. Any recovery in said action shall not be in

excess of \$25,000; and such action shall be brought by and in the name of the personal representative of the said Frank E. Lemli. 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.