

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIRST LEGISLATURE

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Legislative Document

No. 579

H. P. 426

House of Representatives, January 24, 1963

Referred to 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-THREE

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**RESOLVE, in Favor of Pauline G. Thompson, of York.**

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**Pauline G. Thompson; reimbursed. Resolved:** That there is appropriated from the General Highway Fund the sum of \$977.44 to reimburse Pauline G. Thompson, of York, for destruction of a well on her property as a result of the run-off of salt from the highway, U. S. route #1.

STATEMENT OF FACTS

Claimant, Pauline G. Thompson of York, is the owner of real estate, consisting of a 5-room bungalow and lot, situated adjoining the southeasterly side of the highway leading from York Corner to Cape Neddick, both so called, in said York, and variously known as the State Highway, the Post Road and Maine U. S. route #1. Between the house and the highway, and about 25 feet from the edge of the pavement, on land of the claimant, is a dug well, about 18 feet in depth. This well was dug August 8, 1930.

The adjacent highway was a dirt road until 1927. At that time it was changed to a 3-lane, concrete highway. In 1937, the hill in the highway northerly of claimant's house was cut down, and the highway relayed as a 5-lane concrete highway, the transverse grade of the highway being tipped approximately 18 inches farther towards the claimant's lot. The highway has since been re-topped with bituminous material and marked off as a 4-lane road, but without appreciable change in grade or slant.

When the changes were made in 1937, clear sand or sand with a slight ad-

mixture of salt, was used to counteract icy conditions. Since then the amount of salt has increased, and in recent years most of the material used has been clear salt.

The result of the changes in grade and slant, together with the increased use of salt, have resulted in throwing a great deal of heavily salted water onto the premises and into the well of the claimant. The effect of this is reflected in the following analysis made by the State Department of Health, the figures given being in terms of parts per million:

1937	10
1953	80
1955	85
1958	340
1961	325

the slight decrease in salinity reflected in 1961 came after the State Highway Department had pumped out the well and done certain ditching along the side of the highway. The ditch work was not maintained, but even if it had been, it is doubtful if it would have remedied the situation. The excessive salinity of the water continued, with the result that it was unfit for drinking or cooking, was badly discolored, and caused the plumbing in claimant's house to rust out rapidly. The plumbing had to be replaced, and claimant was forced to have an artesian well driven, there being no public water supply within reach.

Claimant claims the following items of damage resulting from the salt thus thrown upon her premises:

Cash paid for drilling of artesian well to depth of 85 feet (Dyer)	\$530.00
Cash paid for jet pump, tank and piping	265.00
Cash paid for excavation of trench	9.00
Cash paid for labor in hooking up pump	20.00
Cash paid for renewing plumbing and piping in house, destroyed by excessive amount of salt in water from well	153.44
Total	<hr/> \$977.44