

# MAINE STATE LEGISLATURE

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# ONE HUNDRED AND SECOND LEGISLATURE

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**Legislative Document**

**No. 575**

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S. P. 196

In Senate, January 27, 1965

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

EDWIN H. PERT, Secretary

Presented by Senator Violette of Aroostook.

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## STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-FIVE

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**RESOLVE, Authorizing Mary Howe Goodall and Stanley Howe to Bring Civil Action Against the State of Maine.**

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**Action against the State of Maine. Resolved:** That Mary Howe Goodall, who on July 21, 1963 sustained injuries while riding as a passenger on the motorcycle of Weldon Putnam, deceased, on Maine Route No. 159, 5.2 miles south of the intersection of Routes 159 and 11 in Mount Chase, County of Penobscot, due, as claimed, by the negligence of the Maine State Highway Commission in excavating a hole in said Route 159 of which the Maine State Highway Commission failed to adequately warn travelers on said highway and also Stanley Howe, father of Mary Howe Goodall for medical and other expenses incurred by him, are authorized to bring a civil action in the Superior Court for the County of Aroostook 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 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 plaintiffs if they recover in said action. Any recovery in said action shall not be in excess of \$20,000, 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.