

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SECOND LEGISLATURE

Legislative Document

No. 654

H. P. 501

House of Representatives, January 27, 1965

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

JEROME G. PLANTE, Clerk

Presented by Mr. Davis of Calais.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-FIVE

RESOLVE, Authorizing Donald J. Donovan to Bring Civil Action Against State of Maine.

Donald J. Donovan authorized to sue State. Resolved: That Donald J. Donovan, also known as John Donald Donovan, of Calais, in the County of Washington and State of Maine, who claims to be damaged by virtue of acts of the State Highway Commission performed upon land owned by him in said Calais for the alleged purpose of constructing a highway, providing a change of alignment, altering and changing grades and providing drainage for said highway, is authorized to bring such civil action or actions as may be appropriate in the premises for damages suffered and to redress such injuries to his land committed by the State Highway Commission, within one year from the effective date of this resolve in the Superior Court of the County of Washington. The complaint issuing out of said Superior Court under the authority of this resolve shall be served on the Secretary of State by the sheriff or either of his deputies in any county of the State of Maine, and said service, and the conduct of said action shall be according to the practices of actions and proceedings between individual parties and suitors in said Superior Court, and the substantive rights and liabilities of the parties shall be the same as rights and liabilities between individuals. The Attorney General is authorized and designated to appear, answer and defend said action. Any judgment that may be recovered for pecuniary damages in said civil action or actions shall be payable from the General Highway Fund of the State on final process issued by said Superior Court, or, if appealed, the Supreme Judicial Court, and costs shall be taxed for said Donald J. Donovan if judgment is accorded in his favor.

STATEMENT OF FACTS

The State Highway Commission in connection with its construction of State Highway "46" in Calais designated as Federal Aid Project No. F-046-1(4) during the years 1962 and 1963 entered and damaged land of Mr. Donovan without notice and without any procedure of eminent domain as required under the Constitution of this State and the statutes thereof. Said land is located on North Street at Knight's Corner, so-called, in said Calais and is valuable for commercial use. Mr. Donovan seeks the opportunity to present evidence of his ownership thereof and to obtain such proper relief and damages as the court may adjudge.