

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SECOND LEGISLATURE

Legislative Document

No. 655

H. P. 502

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. Gifford of Manchester.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-FIVE

RESOLVE, Authorizing Clarence L. Linton and Bertha A. Linton to Bring Civil Action Against the State of Maine.

Clarence L. Linton and Bertha A. Linton authorized to sue the State. Resolved: That Clarence L. Linton and Bertha A. Linton of Litchfield in the County of Kennebec and State of Maine, who claim to be damaged by virtue of the acts of the State Highway Commission performed upon the land and trees owned by them in the Town of Litchfield in the County of Kennebec, whereby the State Highway Commission by excessive salting of the state highway adjacent to the property of Clarence L. Linton and Bertha A. Linton caused damage to the shade and ornamental trees on their property, are authorized to bring a civil action for such claimed damage one year from the effective date of this resolve in the Superior Court in the County of Kennebec. 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 in said civil action 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 may be taxed to the said Clarence L. Linton and Bertha A. Linton, if it recovers in said action.