

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SECOND LEGISLATURE

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Legislative Document

No. 915

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S. P. 301

In Senate, February 3, 1965

Received by unanimous consent. Referred to Committee on Judiciary. Sent down for concurrence and ordered printed.

EDWIN H. PERT, Secretary

Presented by Senator Stern of Penobscot.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-FIVE

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**RESOLVE, Authorizing Walter C. Leighton of Hampden to Bring Action  
Against the State of Maine.**

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**Walter C. Leighton; authorized to sue the State of Maine. Resolved:** That Walter C. Leighton of Hampden, County of Penobscot, State of Maine, who suffered damages because of the taking and destruction of personal property, including high-grade loam and topsoil, occasioned by and in conjunction with the taking of real estate of Carroll A. Robinson and Rosemary Robinson by the State Highway Commission to construct a highway, and by the construction of such highway, be and is authorized to bring an action in the Superior Court for the County of Penobscot, within one year from the first day of August, 1965, at any term thereof against the State of Maine for damages, if any, for the taking and destruction of said personal property, if any, by 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 Walter C. Leighton if he recovers in said action. Any recovery in said action shall not be in excess of \$5,000, 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.