

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 497

H. P. 387

House of Representatives, January 29, 1969

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. Heselton of Gardiner.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

**RESOLVE, Authorizing Maurice and Elizabeth M. Woodside to Bring Civil
Action Against the State of Maine.**

Maurice and Elizabeth M. Woodside authorized to sue State. Resolved: That Maurice Woodside and Elizabeth M. Woodside, of Augusta in the County of Kennebec and State of Maine, are authorized to institute a civil action in the Superior Court of Kennebec County, within one year from the effective date of this resolve, in any term thereof, against the State of Maine, for damages sustained by Elizabeth M. Woodside on November 22, 1967, while attending the privately sponsored beano game at the armory located in Gardiner, in the County of Kennebec and State of Maine. A complaint and summons authorized by this resolve shall be served upon the Secretary of State by attested copy 20 days before the return day thereof by the sheriff of Kennebec County or any of his deputies, and the conduct of said suit shall be according to the practices of suits and proceedings between parties and suitors in said Superior Court; and the Attorney General is hereby authorized and designated to appear and to answer said suit to recover the damages sustained as aforesaid; and any judgment that may be recovered in such suit shall be paid from the General Fund of the State of Maine on final judgment rendered by said court; and costs may be taxed for said Maurice Woodside and Elizabeth M. Woodside if they recover in said suit. Hearing thereon shall be held before a Justice of the Superior Court, without a jury; said justice to be assigned by the Chief Justice of the Supreme Judicial Court of the State of Maine.

STATEMENT OF FACTS

On Wednesday, November 22, 1967, Elizabeth M. Woodside, wife of Maurice Woodside, went to a public beano game at the Gardiner Armory. This beano game was sponsored by the Smith-Wiley American Legion Post #4 of Gardiner, Maine. The State Armory had been leased from the State of Maine to the Gardiner American Legion Post. The American Legion Post is without funds and without any insurance to pay the claim. Mrs. Elizabeth M. Woodside was leaving the Armory and fell on ice that had been allowed to accumulate on the steps and outside the Armory. As a result of this fall, her left hip was fractured and she has incurred medical expenses as follows:

Augusta General Hospital	\$ 781.00
Dr. Francis O'Connor	18.00
Dr. Alan Stinchfield	206.00
	<hr/>
	\$1,005.00

Attempts have been made to settle this matter with the Representatives of the State of Maine, but they claim to be without authority to do so. Therefore, a request to bring an action against the State has been instituted.