

# MAINE STATE LEGISLATURE

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# ONE HUNDRED AND FOURTH LEGISLATURE

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**Legislative Document**

**No. 617**

S. P. 208

In Senate, February 5, 1969

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

JERROLD B. SPEERS, Secretary

Presented by Senator Mills of Franklin.

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## STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-NINE

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**RESOLVE, Authorizing W. H. Hinman, Inc., to Bring Civil Action Against the State of Maine.**

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**W. H. Hinman, Inc.; authorized to sue the State of Maine. Resolved:** That W. H. Hinman, Inc., a Maine corporation located in Westbrook, County of Cumberland, which claims to be entitled to recover additional compensation and expenses for extra work performed by it in connection with the construction of what is known as Interstate Route 95 near Benedicta, under and in addition to a contract with the State Highway Commission, such work consisting of the acquisition and hauling of materials for said construction from a location farther away from the construction site than contemplated by the contract, is authorized to bring a civil action for such compensation and expenses within one year from the effective date of this resolve in the Superior Court for the County of Cumberland. The complaint and summons issuing out of said Superior Court in said civil action shall be served on the Secretary of State by true copy by the sheriff or any of his deputies in any county of the State of Maine, and the conduct of said action shall be according to the practice and procedure of civil actions between individual parties in said Superior Court, and the substantive rights and liabilities of the parties shall be the same as rights and liabilities between individuals.

Any recovery in said action shall not exceed the principal sum of \$33,124. The Attorney General or one of his assistants is authorized and designated to appear in answer to said complaint and defend on behalf of the State of Maine. Any judgment which may be recovered in said 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 in favor of said W. H. Hinman, Inc., and interest shall be al-

lowed from the date of said complaint if there is recovery in said action. 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.