

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
104th LEGISLATURE

SENATE AMENDMENT "A" to S.P. 209, L.D. 618, Resolve, Authorizing the Estate of David L. Hilton, Formerly of Wells, Maine, to Sue the State of Maine.

Amend said Resolve by striking out all of the first sentence and inserting in place thereof the following sentence:
'That the estate of David L. Hilton, acting by his personal representative, is authorized to bring a civil action against the State of Maine, in the Superior Court for the County of York within one year from the first day of August, 1969, for damages, if any, resulting from the death of David L. Hilton, formerly of Wells, Maine, who, his estate claims, was wrongfully or negligently shot and killed on April 20, 1967, adjacent to the Sanford Road in the Town of Wells, Maine, allegedly, his estate claims, as a result of wrongful or negligent actions and manner by which his capture and apprehension as a wanted felon was attempted and executed by law enforcement officers of the State of Maine; and the complaint to be filed in said Superior Court under the authority of this resolve shall be served on the Secretary of State by attested copy 30 days, at least, before a term of said court by the sheriff or either of his deputies in any county in the State of Maine, and the conduct of said action shall be according to the practices of actions and proceedings between parties and suitors 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 or his authorized representative, is authorized and directed to appear and to answer and defend said action to recover damages, if any, sustained by the Estate of David L. Hilton by reason of the death of David L. Hilton.'

Further amend said Resolve by inserting after the first sentence the following sentence:
'The Attorney General or his authorized representative are not authorized to settle said action.'

Proposed by Senator LOGAN of York.

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