

# MAINE STATE LEGISLATURE

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# ONE HUNDRED AND FOURTH LEGISLATURE

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**Legislative Document**

**No. 618**

S. P. 209

In Senate, February 5, 1969

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

JERROLD B. SPEERS, Secretary

Presented by Senator Logan of York.

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## STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-NINE

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**RESOLVE, Authorizing the Estate of David L. Hilton, Formerly of Wells, Maine, to Sue the State of Maine.**

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**Estate authorized to sue State of Maine. Resolved:** 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 is authorized and designated to appear and to answer said action to recover damages, if any, sustained by the Estate of David L. Hilton by reason of the death of David L. Hilton. Any judgment that may be recovered in such action shall be payable from the Unappropriated Surplus of the General Fund on final process issued by said Superior Court or, if appealed, the Supreme Judicial Court; and costs may be taxed for the said Estate if it recovers in said action. Any recovery in said action shall be brought by and in the name of the personal representative

of the said David L. Hilton. 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.