

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 1698

S. P. 571

In Senate, January 6, 1970

The Committee on Judiciary suggested.

HARRY N. STARBRANCH, Secretary

Presented by Senator Martin of Piscataquis.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
AND SEVENTY

**RESOLVE, Authorizing Henry Perley to Bring Civil Action Against the
State of Maine.**

Henry Perley; authorized to sue the State of Maine. Resolved: That Henry Perley of Greenville in the County of Piscataquis, who suffered damages to his home and personal property in 1959, caused by the construction of a hanger and road by the State Inland Fisheries and Game Department, is authorized to bring an action in the Superior Court for the County of Piscataquis, within one year from the effective date of this resolve, at any term thereof against the State of Maine for damages, if any, 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 said civil action shall be payable from the funds of the Department of Inland Fisheries and Game on final process issued by said Superior Court or, if appealed, the Supreme Judicial Court, and costs may be taxed for the said Henry Perley 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, without a jury; said justices to be assigned by the Chief Justice of the Supreme Judicial Court.