

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
106TH LEGISLATURE

CONFERENCE COMMITTEE AMENDMENT " A " to H. P. 353, L. D.
468, RESOLVE, to Reimburse Berkshire Mutual Insurance
Company for Damage to Property of Leonard Smith by Highway
Construction.

Amend said Resolve by striking out all of the title
and inserting in place thereof the following: 'RESOLVE,
Authorizing Berkshire Mutual Insurance Company to Bring
Civil Action against the State of Maine.

Further amend said Resolve by striking out everything
after the title and before the Statement of Fact and inserting
in place thereof the following:

'Berkshire Mutual Insurance Company; authorized to sue
the State of Maine. Resolved: That Berkshire Mutual Insurance
Company, which paid for damages to the home and personal property
of Leonard Smith of Jay, who was covered by insurance of the
said Berkshire Mutual Insurance Company, due to the negligence
of the State Department of Transportation while constructing
a highway on the Canton Road in said Jay, is authorized to bring
an action in the Superior Court for the County of Franklin,
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

(Filing No. H-363)

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 General Highway Fund on final process issued by said Superior Court or, if appealed, the Supreme Judicial Court, and costs may be taxed for the said Berkshire Mutual Insurance Company if it recovers in said action. Any recovery in said action shall not be in excess of \$4,000, including costs. Hearing thereon shall be before a justice, without a jury; said justice to be assigned by the Chief Justice of the Supreme Judicial Court.'

Statement of Fact

The purpose of this amendment is reflected in the title.

Reported by the Committee of Conference.

Reproduced and distributed under the direction of the Clerk of the House.

5/11/73

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