

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 468

H. P. 353

House of Representatives, January 30, 1973

Referred to Committee on Legal Affairs. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mr. Sproul of Augusta.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

**RESOLVE, to Reimburse Berkshire Mutual Insurance Company for
Damage to Property of Leonard Smith by Highway Construction.**

Berkshire Mutual Insurance Company; appropriation for. Resolved:
That there is appropriated from the General Highway Fund to Berkshire Mutual Insurance Company the sum of \$3,406.20 to reimburse the company for damage to property of Leonard Smith of Jay, which amount was paid to Mr. Smith under an insurance policy of the company.

STATEMENT OF FACT

On October 8, 1971 the State of Maine was putting in a new highway on the Canton Road, Jay, Maine in front of a dwelling home owned by Leonard Smith. While backing up a back-hoe accidentally tore up Smith's water main which runs from the well to the dwelling and so pulled it apart from the main water line. The line was under some 150 lbs. of pressure, a geyser developed causing water damage to the interior of Smith's home. Smith had coverage with the Berkshire Mutual Insurance Company and they paid him off in the amount of \$3,406.20. The company then became subrogated to any and all rights to get this back from any third party that did cause the damage.