

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1946

S. P. 628

In Senate, May 18, 1973

Reported by Minority from the Committee on Legal Affairs and printed under Joint Rules No. 18.

HARRY N. STARBRANCH, Secretary

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

RESOLVE, Authorizing Certain Persons to Sue the State of Maine.

Certain persons; reimbursed. Resolved: That, Glenn H. Wing, Paul Reed, Clayton E. Andrews, Jr., Walter R. Harwood, Bushey & Sterling, Inc., Scott Hunnewell and Conrad Durgin, all of Bingham, County of Somerset and State of Maine, who contend that the Maine Department of Transportation in altering, reconstructing and widening of Main Street in said Bingham under a Highway Project designated "Federal-Aid Project F-033-1 (13) (Part I)" thereby damaged their property, are authorized to bring an action in the Superior Court for the County of Somerset 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 General Highway Fund on final process issued by said Superior Court, or, if appealed, the Supreme Judicial Court, and costs and reasonable attorneys' fees may be taxed for the said Glenn H. Wing, Paul Reed, Clayton E. Andrews, Jr., Walter R. Harwood, Bushey & Sterling, Inc., Scott Hunnewell and Conrad Durgin if they recover in said action. 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

At issue is whether Main Street, Bingham is a 3-rod road or a 4-rod road. This issue should be decided in a court of law.