

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1522

H. P. 1036

House of Representatives, March 26, 1975

Speaker laid before the House and on motion of Mr. Carey of Waterville, referred to the Committee on Legal Affairs. Motion Withdrawn, and on further motion of same gentleman, referred to the Committee on Business Legislation. Motion Withdrawn, and on further motion of same gentleman, referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Morton of Farmington.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

RESOLVE, Authorizing Charles E. and Nancy Twitchell, or Their Legal Representative, to Bring Civil Action Against the State of Maine.

Charles E. and Nancy Twitchell; authorized to sue the State of Maine. Resolved: That Charles E. and Nancy Twitchell, owners of property situated in Farmington on Routes 2 and 4, due to negligence of the State Department of Transportation, by the construction of a highway leading from Farmington to Wilton known as Routes 2 and 4, have been and are being caused damage through the influx of surface water flowing onto and through the premises undermining part of the building there situated, on the southerly side of said highway, and water flowing into the basement of said building damaging the rugs, furniture and wallpaper, further damaging said property by inundating the land after each and every storm. Therefore, said Charles E. and Nancy Twitchell of Farmington are authorized to bring an action in the Superior Court of Franklin County 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 may be taxed for the said Charles E. and Nancy Twitchell, if they recover in said action. Any recovery in said action shall not be in excess of \$5,000 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 resolve is to authorize Charles E. and Nancy Twitchell to bring civil action against the State of Maine as a result of damage done to their property during road construction by the Department of Transportation.