

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 2046

S. P. 645

In Senate, January 22, 1976

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

HARRY N. STARBRANCH, Secretary

Presented by Senator O'Leary of Oxford.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SIX

**RESOLVE, Authorizing Sabon P. Milligan to Bring Civil
Action Against the State of Maine.**

Sabon P. Milligan; authorized to sue the State of Maine. Resolved: That Sabon P. Milligan, who has had extensive crop damage due to bears, a protected animal in 1973, 1974 and 1975, is authorized to bring an action in the Superior Court for the County of Oxford, 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 after issue 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 Fund on final process issued by said Superior Court or, if appealed, the Supreme Judicial Court, and costs may be taxed for the said Sabon P. Milligan if he recovers in said action. Any recovery in said action shall not be in excess of \$35,000, 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

For the past 3 years, bears have destroyed a substantial portion of Sabon P. Milligan's silage corn crop at Rumford Point. In 1975, Sabon P. Milligan

planted 330 acres of corn and received permission from the Department of Inland Fisheries and Wildlife to kill bears and has killed over 58 bears within a 10-mile radius of his farm. The game wardens have been in the area and have observed the extensive damage to his crops. The cost of plowing, planting and spraying is approximately \$200 per acre or \$66,000. Mr. Milligan sustained a 20% crop damage in 1975 and, in addition, was compelled to expend \$5,610.10 for the purchase of substitute feed for his cattle in 1974.