

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

FIRST SPECIAL SESSION

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 2297

H. P. 2174

House of Representatives, March 9, 1976

Approved for Introduction by a Majority of the Committee on Reference of Bills pursuant to Joint Order, S. P. 635, as amended. Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. Miskavage of Augusta.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SIX

**RESOLVE, Authorizing Merrilyn Young, or her legal Representative, to
Bring Civil Action Against the State of Maine.**

Merrilyn Young; authorized to sue the State of Maine. Resolved: That Merrilyn Young of Augusta, in the County of Kennebec, who suffered damages to her land and buildings located at 19 Capitol Street during construction of the new State Office Building on Capitol Street in Augusta, or her legal representative, is authorized to bring an action in the Superior Court for the County of Kennebec, 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 damages 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 State Treasury on final process issued by said Superior Court or, if appealed, the Supreme Judicial Court, and the costs may be taxed for the said Merrilyn Young if she recovers in said action. Any recovery in said action shall not be in excess of \$50,000, including interest and costs. Hearing thereon shall be before a presiding justice of the Superior Court sitting with a jury.

STATEMENT OF FACT

Merrilyn Young owns property less than 60 feet from the new State Office Building and has suffered from physical damage to her property. She has lost rental income because of damage and noise factor. Her only source of income is from rent money and she has had to refinance the property in order to meet her financial obligations. The State indicated to her in 1974 her property would be bought by the State and for this reason, no others have been interested in the property. She has been under the care of a physician as a result of this problem.