ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document **No. 1220**

S. P. 370 In Senate, March 29, 1977

Approved by a Majority of the Legislative Council pursuant to Joint Rule 25. Referred to the Committee on Judiciary. Sent down for concurrence and ordered printed.

MAY M. ROSS, Secretary

Presented by Senator Huber of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED SEVENTY-SEVEN

RESOLVE, Authorizing Charles S. Estes, or his Legal Representative, to Bring a Civil Action Against the State of Maine.

Charles S. Estes; authorized to sue the State of Maine. Resolved: That Charles S. Estes of the Town of New Gloucester, in the County of Cumberland, who suffered a personal injury and personal property damage on May 10, 1976, caused by the negligence of the Department of Inland Fisheries and Wildlife or its agents, or his legal representative, is authorized to bring an action in the Superior Court for the County of Cumberland, within one year of the effective date of this resolve, at any term thereof against the State of Maine for damages, if any, and a 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 State Treasury on final process issued by said Superior Court or, if appealed, the Supreme Judicial Court, and costs may be taxed for the said Charles S. Estes if he recovers in said action. Any recovery in said action shall not be in excess of $15,000, including costs. Hearing thereon shall be before a single 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 reflected in the title.