

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

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ONE HUNDRED AND NINTH LEGISLATURE

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**Legislative Document**

**No. 159**

H. P. 137

House of Representatives, January 24, 1979

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

EDWIN H. PERT, Clerk

Presented by Mr. Bunker of Gouldsboro.

Cosponsor: Mr. Silsby of Ellsworth.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-NINE

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**RESOLVE, Authorizing Burton L. Lockhart or his Legal Representatives to bring  
Civil Action against the State of Maine.**

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**Burton L. Lockhart; authorized to sue the State of Maine. Resolved:** That Burton L. Lockhart of Lamoine, in the County of Hancock, who suffered damages to a 1956 Ford Thunderbird automobile on November 9, 1977, caused by theft and destruction and damage allegedly performed by a juvenile on entrustment from the Maine Youth Center, or his legal representatives, are authorized to bring an action in the Superior Court for the County of Hancock, within one year from the effective date of this resolve, against the State of Maine for damages, if any, and the complaint issuing out of the Superior Court under the authority of this resolve shall be served on the Secretary of State by attested copy 30 days from the date of filing the complaint by the sheriff or either of his deputies in any county of the State of Maine; and the conduct of this action shall be according to the practice of action or proceedings between parties in the 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 this action. Any judgment that may be recovered in this civil action shall be payable from the State Treasury on final process issued by the Superior Court or, if appealed, the Supreme Judicial Court, and costs may be taxed for Burton L. Lockhart if he recovers in this action. Any

recovery in this action shall not be in excess of \$10,000, including costs. Hearing thereon shall be before a justice, with or without jury; the justice to be the regularly scheduled justice presiding in the Hancock County Superior Court when this matter is scheduled for trial.

#### STATEMENT OF FACT

On November 9, 1977, a 1956 Ford Thunderbird owned by Burton L. Lockhart of Lamoine, Maine, was stolen by a youth on entrustment from the Maine Youth Center and was demolished in an automobile accident while being operated by the youth. Burton L. Lockhart suffered damage in the amount of \$5,000 by reason of the theft and destruction of his automobile. This resolve requests that Mr. Lockhart be authorized to bring a civil action against the State of Maine to recover his loss.

If this resolve is enacted and Mr. Lockhart prevails on the subsequent suit in Hancock County Superior Court, an expenditure of not more than \$10,000 will be required from the State of Maine.