

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 506

H. P. 399

House of Representatives, February 13, 1979

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

EDWIN H. PERT, Clerk

Presented by Mr. Churchill of Orland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-NINE

**RESOLVE, Authorizing Lyman F. Gray, Celia M. Gray and Bernard L. Gray to  
Bring Civil Action Against the State of Maine.**

Lyman F. Gray, Celia M. Gray and Bernard L. Gray authorized to bring civil action against the State of Maine. **Resolved:** That Lyman F. Gray and Celia M. Gray are husband and wife, both of Orland, County of Hancock, State of Maine, and Bernard L. Gray is of Fort Lauderdale, County of Broward, State of Florida. Bernard L. Gray is record owner of a certain parcel of real estate situate in Orland, Maine, and Lyman F. Gray and Celia M. Gray are life tenants in that property, which they occupy as their family residence. The property is bounded on its southerly side by U.S. Route #1 and State Route #3.

Lyman F. Gray, Celia M. Gray and Bernard L. Gray contend that in June, 1976, the State of Maine, acting by and through the Department of Transportation, did take a portion of the reference parcel of property; which taken property contained the only water well used for domestic purposes at those premises. This taking has damaged Lyman F. Gray, Celia M. Gray and Bernard L. Gray by forcing them to drill an additional well for which the State of Maine has refused compensation and for which the State of Maine should be liable.

This action is to be brought in the Superior Court for the County of Hancock within one year from the passage of this resolve against the State of Maine for damages, if any, and the conduct of this action shall be according to the practice of actions or proceedings between parties in the Superior Court. The liabilities of

the parties and elements of damage, if any, shall be the same as liabilities and elements of damage as between individuals. The complaint issuing out of the Superior Court under the authority of this resolve shall be served upon the Secretary of State in attested copy of the sheriff or either of his deputies in any county of the State of Maine. The Attorney General is authorized and designated to appear, answer and defend the action.

Any judgment that may be recovered in this civil action shall be payable from the State Treasury on file process issued by the Superior Court, or, if applicable, the Supreme Judicial Court and costs may be taxed for Lyman F. Gray, Celia M. Gray and Bernard L. Gray if they recover in the action and their recovery shall not exceed \$3,500, including costs. Hearing thereon shall be before a Justice of the Superior Court with or without a jury, the justice to be assigned by the Chief Justice of the Supreme Judicial Court or before the regularly scheduled justice presiding in the Hancock County Superior Court when this matter is scheduled for trial.

#### STATEMENT OF FACT

The purpose of this resolve is to authorize Lyman F. Gray, Celia M. Gray and Bernard L. Gray to bring civil suit against the State of Maine.