

# MAINE STATE LEGISLATURE

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(AFTER DEADLINE)  
SECOND REGULAR SESSION

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ONE HUNDRED AND THIRTEENTH LEGISLATURE

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Legislative Document

NO. 2354

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H.P. 1715                      House of Representatives, February 25, 1988  
Approved for introduction by a majority of the  
Legislative Council pursuant to Joint Rule 27.

Reference to the Committee on Legal Affairs suggested and  
ordered printed.

EDWIN H. PERT, Clerk  
Presented by Representative GLIDDEN of Houlton. (By Request)

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-EIGHT

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1                      RESOLVE, Authorizing Barry B. Tweedie  
2                      to Bring Suit Against the State  
3                      and the Town of Durham.  
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5                      Action against the State and Town of Durham  
6 authorized. Resolved: That, notwithstanding the  
7 Maine Tort Claims Act, the Maine Revised Statutes,  
8 Title 14, chapter 741, Barry B. Tweedie, of Durham, be  
9 authorized to bring action against the State and its  
10 political subdivision, the Town of Durham, for damages  
11 caused by alleged negligence of the State and Town of

1 Durham in the issuing of a permit for the placement  
2 and maintenance of a certain utility pole at the  
3 intersection of Route 136. When the car operated by  
4 Barry B. Tweedie left the road on February 15, 1987,  
5 his car collided with the pole resulting in injuries  
6 which left Barry B. Tweedie a quadriplegic for life.

7 Action is to be brought within one year of the  
8 passage of this resolve in Superior Court of  
9 Androscoggin County. Liability of and damages against  
10 the State and Town of Durham shall be determined  
11 according to state law, just as in litigation between  
12 individuals.

13 Any judgment that may be awarded in this civil  
14 action against the State shall be payable from the  
15 Treasurer of State on final process issued by the  
16 Superior Court or, if applicable, the Supreme Judicial  
17 Court. Any judgment that may be awarded in this civil  
18 action against the Town of Durham shall be payable  
19 from the town clerk of the Town of Durham upon final  
20 process issued by the Superior Court or, if  
21 applicable, the Supreme Judicial Court. Total  
22 recovery by Barry B. Tweedie from all public sources  
23 in this civil action shall not exceed \$1,000,000,  
24 except that, if either governmental entity has  
25 procured insurance against liability, that  
26 governmental entity may be liable to the limits of the  
27 insurance coverage. Hearing shall be before a Justice  
28 of the Superior Court with or without a jury.

29 STATEMENT OF FACT

30 The purpose of this resolve is to authorize Barry  
31 B. Tweedie to bring civil action against the State and  
32 the Town of Durham.

33 4726021988