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)



114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 965

H.P. 704

House of Representatives, March 29, 1989

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

Presented by Representative KILKELLY of Wiscasset.
Cosponsored by Representative JALBERT of Lisbon and Representative MURPHY of Berwick.

STATE OF MAINE

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

Resolve, Authorizing Brian Dreher of North Whitefield to Bring a Civil Action against the State of Maine.



Brian Dreher; authorized to sue the State of Maine. Resolved: That Brian Dreher of North Whitefield, County of Lincoln and State of Maine, be authorized to bring suit against the State of Maine for \$2,000 in damages sustained to his vehicle when he struck a Department of Transportation plow truck which allegedly was stuck in snow and positioned with half of its width projecting onto State Route 126 in North Whitefield, in the same lane in which Mr. Dreher's vehicle was traveling. The state truck was without any type of warning flashers or signs indicating the truck's disabled status.

This action is to be brought in the Superior Court for the County of Lincoln 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 damages, 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 on the Secretary of State by attested copy by the sheriff or the sheriff's deputies in any county in the State of Maine. 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 file process issued by the Superior Court. Recovery shall not exceed \$2,000 in actual vehicle damage plus any court costs and attorney fees. This hearing shall be before a Justice of the Superior Court with or without jury; the justice shall be the regularly scheduled justice presiding in the Lincoln County Superior Court when the matter is scheduled for trial.

STATEMENT OF FACT

This resolve will allow Brian Dreher of North Whitefield to bring civil action against the State of Maine.