

MAINE STATE LEGISLATURE

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EIGHTY-FIFTH LEGISLATURE

Legislative Document

No. 292

S. P. 316

In Senate, Feb. 4, 1931.

Referred to Committee on Judiciary and 500 copies ordered printed. Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Weatherbee of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND THIRTY-ONE

RESOLVE, Authorizing Ralph Williams, Michael Williams and Frank Sorrenti to Bring Suit at Law or in Equity Against the State of Maine.

Resolved: That Ralph Williams and Michael Williams both of Revere in the County of Suffolk and Frank Sorrenti of Boston in said county and all in the Commonwealth of Massachusetts, or the survivor or survivors of them, as individuals or as former co-partners known under the style of Williams & Sorrenti, who were the contractors and builders of a certain portion of State Highway leading from the New Hampshire line southerly in the County of Oxford and State of Maine, claiming that said partnership has not been fully and equitably compensated for labor, materials, expenditures and services rendered in the construction of said highway, are hereby authorized to bring a suit at law or a bill in equity, or both, in the Superior Court, within one year from the first day of August, 1931, at any term or rule day of said court, within any county in said State, against the State of Maine; and the writ or subpoena issuing out of said Superior Court under the authority of this resolve shall be served on the Secretary of State, by attested copy, at least thirty days before the return day thereof, by the sheriff or either of his deputies of any county of the State of Maine; and the conduct of said suit or proceeding in equity shall be according to the practice of suits

and proceedings between parties and suitors in said Superior Court except as otherwise provided in this resolve; and the Attorney General is hereby authorized and designated to appear in answer to said suit or proceeding at law or equity. The liabilities of the parties shall be the same as the liabilities between individuals under the principles of the common law or the principles of equity; and to such amount as may be found due, the court may add such sum as interest as is just and fair between the parties and the State of Maine, and costs may be taxed for the said plaintiffs, in case of a recovery by them, the same as in any proceeding in law or in equity. And any judgment that may be recovered in such suit at law or proceeding in equity shall be payable from the treasury of the State of Maine on final process issued by said court, out of any money not otherwise appropriated.

STATEMENT OF FACTS TO ACCOMPANY RESOLVE
IN FAVOR OF RALPH WILLIAMS ET ALS AS WIL-
LIAMS & SORRENTI.

In the years 1926-1927 the firm of Williams & Sorrenti were engaged under contract with the State of Maine, in the construction of a section of State Highway leading from the Maine-New Hampshire line southerly in the Androscoggin Valley through Oxford County.

Difficulties, unexpected by the contractors and State Engineers alike, arose in the construction, and changes were necessitated in the grades; supply of gravel and sources thereof were subjected to alteration in order to promote the interests of the State, and controversies arose over those matters and others, that have not been susceptible of adjustment within the scope of the powers of the Highway Department. The contractors produced a good piece of construction for the State, and made a loss of over forty thousand dollars, well-nigh bankrupting some members of the firm who have had an honorable record in connection with other construction work in the State of Maine. A part of this loss at least is of such a character as should in law and equity and good conscience be reimbursed to the contractors, but it may be difficult to determine that amount either in a legislative hearing, or by negotiations with the Highway Department, and so the petitioners request for permission and authority to bring proceedings to have the courts of Maine determine what sum, by equity and good conscience, is due the said contractors.