

# MAINE STATE LEGISLATURE

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N I N E T Y - S I X T H    L E G I S L A T U R E

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**Legislative Document**

**No. 586**

S. P. 220

In Senate, February 11, 1953.

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

CHESTER T. WINSLOW, Secretary.

Presented by Senator Squire of Kennebec.

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**STATE OF MAINE**

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-THREE

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**RESOLVE, Authorizing Arthur W. Bushey of Waterville, John Tibbetts, Archie Leeman and Oscar Bradstreet, all of Palermo, to Sue the State of Maine.**

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**Certain persons authorized to sue state of Maine. Resolved:** That Arthur W. Bushey of Waterville, John Tibbetts, Archie Leeman and Oscar Bradstreet, all of Palermo, who suffered flowage damage in 1949 to their lands adjacent to Sheepscot pond, due, as they claim, to the failure of the state to properly protect their property while building a dam for a rearing pool, be, and hereby are, authorized to bring a suit at law in the superior court for the county of Kennebec within 1 year from the 1st day of August, 1953 at any term thereof against the state of Maine, and the writ issuing out of said superior court under the authority of this resolve shall be served on the secretary of state by attested copy 30 days before the return day thereof by the sheriff or either of his deputies in any county of the state of Maine, and the conduct of said suit shall be according to the practices of suits and proceedings between parties and suitors in said superior court, and the liabilities of the parties shall be the same as the liabilities between individuals; and the attorney general is hereby authorized and designated to appear and to answer said suit to recover the damages sustained by the said Arthur W. Bushey, John Tibbetts, Archie Leeman and Oscar Bradstreet by reason of the injuries aforesaid, and any judgment that may be recovered in such suit at law shall be payable from the funds of the inland

fisheries and game department of the state of Maine on final process issued by said court in said court at law, and costs may be taxed for the said Arthur W. Bushey, John Tibbetts, Archie Leeman and Oscar Bradstreet if they recover in said suit. Any recovery in said suit shall not be in excess of \$5,000. Hearing thereon shall be before 2 justices of the supreme judicial court and 1 justice of the superior court, without a jury; said justices to be assigned by the chief justice.