

MAINE STATE LEGISLATURE

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

Legislative Document

No. 924

H. P. 833

House of Representatives, February 23, 1955.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Bragdon of Perham.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-FIVE

RESOLVE, Authorizing Ray Philbrick of Caribou to Sue State of Maine.

Ray Philbrick given right to sue state. Resolved: That Ray Philbrick, of Caribou, in the county of Aroostook, State of Maine, who suffered damage to his property by the construction of Route #161 in Caribou, be, and hereby is, authorized to bring a suit at law in the Superior Court for the county of Aroostook within one year from the 1st day of September, 1955, 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 of any county of the State of Maine, and the conduct of said suit shall be according to the practice of suits and proceedings between parties and suitors in said Superior Court and nothing herein shall be construed to determine the liabilities as between the parties, which liabilities as well as the matter of damages shall be determined by the tribunal hereinafter described; and the Attorney General is hereby authorized and designated to appear and to answer to said suit to recover the damages sustained by the said Ray Philbrick by the reason of injuries aforesaid, and any judgment that may be recovered in such suit of law shall be payable from the general highway fund of the State of Maine on final process issued by said court in said suit at law, and costs may be taxed for the said Ray Philbrick, if he recovers in said suit. In no case shall damages be assessed for more than the sum of \$3,500. 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; and be it further

Resolved: That it is the sole intent of the legislature to authorize the bringing of suit and that the passage of this resolve shall not in any way be con-

strued as a finding in respect to facts or liability, and such matters as well as the matter of damages, if any, shall be determined by the tribunal above described.