

# MAINE STATE LEGISLATURE

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## NINETY - EIGHTH LEGISLATURE

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### Legislative Document

No. 859

H. P. 612

House of Representatives, February 19, 1957.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Coyne of Waterville.

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## STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-SEVEN

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**RESOLVE, Authorizing Arthur W. Bushey and Alice Bushey, both 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 and Alice Bushey, both of Waterville, John Tibbetts, Archie Leeman and Oscar Bradstreet, all of Palermo, who suffered flowage damage in 1949 to their lands adjacent to Sheepscoot 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 one year from the first day of August, 1957 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, Alice 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 Bushey, Alice 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 3 Justices of the Superior Court, without a jury; said Justices to be assigned by the Chief Justice of the Supreme Judicial Court.