

MAINE STATE LEGISLATURE

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

Legislative Document

No. 1009

S. P. 354

In Senate, March 3, 1959.

Referred to the Committee on Judiciary, sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Carpenter of Somerset.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-NINE

**RESOLVE, Authorizing Ronald and Nancy Bradstreet, of Beverly,
Massachusetts, to Sue State of Maine.**

Ronald Bradstreet and Nancy Bradstreet given right to sue State. Resolved: That Ronald Bradstreet and Nancy Bradstreet, both of Beverly, Commonwealth of Massachusetts, who, on January 8, 1959, while traveling from Jackman to Skowhegan, in this State, suffered flood damage to their property in attempting to proceed by a temporary detour, constructed by the State Highway Commission, by-passing a section of U. S. Route 201, at The Forks, flooded by waters of the Kennebec River which were flowed back from an ice jam in the river, due, as they claim, to the failure of the State to properly warn them of the extremely hazardous condition of the detour which, at time of said loss, was covered by waters from the river flowed back from the same source, be, and hereby are, authorized to bring a suit at law in the Superior Court for the County of Somerset within one year from the first day August, 1959 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 Ronald Bradstreet and Nancy Bradstreet by reason of the injuries aforesaid, and any judgment that may be recovered in such suit at law shall be payable from the General Highway Fund 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 Ronald Bradstreet and Nancy Bradstreet if they recover in said suit. Any recovery in said suit shall not be in excess of \$1,500. 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.