

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 78

H. P. 46

House of Representatives, January 11, 1979

Speaker laid before the House and on Motion of Mr. Hughes of Auburn referred to the Committee on Legal Affairs. Sent up for concurrence.

EDWIN H. PERT, Clerk

Presented by Mr. Garsoe of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

RESOLVE, Authorizing Arthur G. Powers to Sue the State of Maine.

Arthur G. Powers; authorized to sue the State of Maine. Resolved: That Arthur G. Powers of Harpswell, in the County of Cumberland and State of Maine, who suffered damages on September 26, 1969, as a result of 3 Maine State Police officers allegedly illegally entering the home of Arthur G. Powers on the basis of a faulty search warrant issued by a Complaint Justice for Cumberland County, or his legal representatives, is authorized to bring an action in the Superior Court for the County of Cumberland, within one year from the effective date of this resolve, at any term thereof against the State of Maine for damages, if any, and the complaint issuing out of that Superior Court under the authority of this resolve shall be served on the Secretary of State by attested copy 30 days before a term of that court by the sheriff or either of his deputies in any county of the State of Maine; and the conduct of this action shall be according to the practice of actions and proceedings between parties in that Superior Court, and the liabilities of the parties and elements of damage, if any, shall be the same as the liabilities and elements of damage between individuals; and that the Attorney General is authorized and designated to appear, answer and defend this action.

Any judgment that may be recovered in this civil action shall be payable from the State Treasury on final process issued by that Superior Court or, if appealed, the Supreme Judicial Court, and costs may be taxed for Arthur G. Powers if he recovers in this action.

Any recovery in this action shall not be in excess of \$100,000, including costs.

Hearing on this action shall be before 3 justices, without jury; these justices shall be assigned by the Chief Justice of the Supreme Judicial Court.

STATEMENT OF FACT

The purpose of this resolve is to authorize Arthur G. Powers to sue the State of Maine.