

# MAINE STATE LEGISLATURE

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L.D. 1772

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES (Filing No. H-600)  
110TH LEGISLATURE  
SECOND REGULAR SESSION

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COMMITTEE AMENDMENT "A" to H.P. 1782, L.D. 1772,  
"RESOLVE, Authorizing the City of South Portland to Bring  
a Civil Action Against the State."

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Amend the resolve by striking out all of the second  
paragraph after the title and inserting in its place the  
following:

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'Whereas, the Department of Audit performed the municipi-  
pal audit, dated July 22, 1976, for the City of South Port-  
land for calendar year 1975 and allegedly negligently failed  
to detect the embezzlement of \$289,300, excluding interest;  
and'

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Further amend the resolve in the 5th paragraph after  
the title (page 2, lines 10 and 11 of L.D.) by striking out  
the following words and figures "\$289,300, plus interest,  
from July 22, 1976, due to the negligent performance" and  
inserting in their place the following words and figures  
'\$241,800, excluding interest, allegedly due to negligence  
in the performance'

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Further amend the resolve in the last paragraph before  
the emergency clause, (page 2, line 39 of L.D.) by striking  
out the following words and figures "\$289,300, plus inter-  
est; from July 22, 1976" and inserting in their place the  
following words and figures '\$241,800, excluding interest'

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FISCAL NOTE

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If the State loses this suit, the cost to the State  
could be up to \$241,800, plus attorney fees for outside  
counsel, estimated at \$25,000.

1 COMMITTEE AMENDMENT "A" to H.P. 1782, L.D. 1772

2 STATEMENT OF FACT

3 This amendment does the following:

4 1. Makes it clear that the Legislature makes no con-  
5 clusive determination of negligence, leaving that issue for  
6 judicial determination;

7 2. Removes provisions allowing for collection of  
8 interest on any award received by the city;

9 3. Reduces the amount of the possible award by the  
10 amount the city has already recovered against a bonding com-  
11 pany; and

12 4. Adds a fiscal note.

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Reported by the Majority of the Committee on Legal Affairs.  
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of the House.

2/19/82

(Filing No. H-600)