

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 1323

S.P. 414

Received by the Secretary, April 20, 1993

Resolve, Authorizing Richard Paradise of Wells, Maine to Sue the State.

Referred to the Committee on Legal Affairs and 1200 ordered printed pursuant to Joint Rule 14.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator LAWRENCE of York. (BY REQUEST).

2 **Sec. 1. Authorization to sue the State. Resolved:** That,
notwithstanding any law to the contrary, Richard Paradise, of
4 Wells, or his legal representative, who claims to have suffered
damages as a result of the State's failure to prosecute a drunk
6 driver whose vehicle allegedly struck a vehicle operated by Mr.
Paradise, is authorized to bring a civil action against the
8 State, but not against individual past or present employees of
the State.

10 This action may be brought in the York County Superior Court
within one year from the date this resolve is approved.
12 Liability and damages, including punitive damages, must be
determined according to state law as in litigation between
14 individuals. The action may be heard by a Justice of the
Superior Court or by a jury. The Maine Rules of Civil Procedure
16 govern the conduct of the action. The Attorney General shall
appear, answer and defend the action.

18 The Treasurer of State shall pay any judgment, including
20 costs and interest, on final process issued by the Superior Court
or, if applicable, the Supreme Judicial Court. Recovery may not
22 exceed \$485,000, including costs and interest.

24
STATEMENT OF FACT

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28 This resolve authorizes Richard Paradise, of Wells, to sue
the State for damages resulting from the State's failure to
prosecute a drunk driver whose vehicle allegedly struck a vehicle
30 operated by Mr. Paradise.