

MAINE STATE LEGISLATURE

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Date: 2/23/16 Majority

L.D. 805
(Filing No. H-524)

VETERANS AND LEGAL AFFAIRS

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
127TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 554, L.D. 805, "Resolve, Authorizing Certain Individuals To Bring Suit against the Department of Health and Human Services"

Amend the resolve in section 1 in the first paragraph in the 7th line (page 1, line 7 in L.D.) by inserting after the following: "civil action" the following: 'or actions'

Amend the resolve in section 1 by striking out all of the 2nd paragraph (page 1, lines 11 to 18 in L.D.) and inserting the following:

Notwithstanding the application of any statute of limitations barring these actions, these actions must be brought in the York County Superior Court within one year from the date this resolve takes effect. Liability and damages, including punitive damages, must be determined according to state law as in litigation between individuals, except that the total amount of all damages, including costs, combined in all actions brought pursuant to the authority granted in this resolve may not exceed \$400,000. These actions may be heard by a Justice of the Superior Court or by a jury. The Maine Rules of Civil Procedure govern the conduct of these actions. The Attorney General shall appear, answer and defend these actions. To the extent possible, the Attorney General shall conduct negotiations in good faith to resolve these actions by settlement.'

SUMMARY

This amendment, which is the majority report of the Joint Standing Committee on Veterans and Legal Affairs, amends the resolve by stipulating that the total amount of all damages, including costs, combined in all actions brought pursuant to the authority granted in the resolve may not exceed \$400,000. The amendment also clarifies that the resolve does not restrict the named individuals to bringing a single action, but that multiple individual actions may be brought, subject to the total damages cap of \$400,000.

FISCAL NOTE REQUIRED

(See attached)

COMMITTEE AMENDMENT



127th MAINE LEGISLATURE

LD 805

LR 147(02)

Resolve, Authorizing Certain Individuals To Bring Suit against the Department of Health and Human Services

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-524)
Committee: Veterans and Legal Affairs

Fiscal Note Required: Yes

Fiscal Note

Potential current biennium cost increase - General Fund

Fiscal Detail and Notes

Waiving the State's "sovereign immunity" defense and allowing the Department of Health and Human Services (DHHS) to be sued for damages over past actions taken could generate General Fund costs in the current biennium if DHHS loses or settles the suit. No estimate of the cost can be made at this time, however, the bill creates a total damages cap of \$400,000.