

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1667

S.P. 661

In Senate, April 17, 2025

Resolve, to Allow Hemphill Farms, Inc. to Sue the State

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink, appearing to read "D M Grant".

DAREK M. GRANT
Secretary of the Senate

Presented by Senator STEWART of Aroostook.
Cosponsored by Representative GUERRETTE of Caribou and
Senator: BERNARD of Aroostook, Representatives: ALBERT of Madawaska, ARDELL of
Monticello, BABIN of Fort Fairfield, UNDERWOOD of Presque Isle.

Sec. 1. Authorization to sue State. Resolved: That, notwithstanding any provision of law to the contrary, Hemphill Farms, Inc., in Presque Isle, which claims to have suffered damages in connection with actions taken by the Department of Agriculture, Conservation and Forestry, is authorized to bring a civil action against the Department of Agriculture, Conservation and Forestry. This resolve is a waiver of the State's defense of immunity under the Maine Revised Statutes, Title 14, chapter 741.

Notwithstanding the application of any statute of limitations barring this action, this action may be brought in the Aroostook County Superior Court within one year from the effective date of this resolve. Liability and damages, including punitive damages, must be determined according to state law as in litigation between individuals. The action may be heard by a Justice of the Superior Court or by a jury. The Maine Rules of Civil Procedure govern the conduct of the action. The Attorney General shall appear, answer and defend the action. To the extent possible, the Attorney General shall conduct negotiations in good faith to resolve this action by settlement.

The Treasurer of State shall pay any settlement determined by agreement of the parties or any judgment, including costs and interest, upon final process issued by the Superior Court or, if applicable, the Supreme Judicial Court.

SUMMARY

This resolve authorizes Hemphill Farms, Inc., in Presque Isle, which claims to have suffered damages in connection with actions taken by the Department of Agriculture, Conservation and Forestry, to sue the department for damages resulting from those actions.