

# MAINE STATE LEGISLATURE

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MEMO re Department of Industrial Cooperation at the University of Maine

Ch. 98, P. L. of 1935:

"The University of Maine is declared to be an instrumentality and agency of the state for the purpose for which it was established and for which it has been managed and maintained under the provisions of ch. 532 of private and special laws of 1865 and supplementary legislation relating thereto."

49 Am. Jur. 301:

"It is an established principle . . . that the sovereign cannot be sued in its own courts or in any other court without its consent and permission."

Conclusion:

The University of Maine is, as established by the above act, an agent of the State of Maine. The State of Maine as a sovereign cannot be sued without its consent. Thus, any act of the Department of Industrial Cooperation at the University of Maine does not render the State liable in an action for damages unless the legislature allows suit to be brought against the State.

JSSF