

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 91

S. P. 54

In Senate, January 7, 1971

Referred to Committee on Judiciary. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Harding of Aroostook.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

**RESOLVE, Authorizing Ansel Green of Bangor to Bring Action Against the
State of Maine.**

Ansel Green authorized to sue State of Maine. Resolved: That Ansel Green is authorized to bring a civil action against the State of Maine, in the Superior Court for the County of Penobscot, and to extend the Statute of Limitation for false imprisonment so he may bring said action within one year from the first day of June, 1971, for damages, if any, resulting from his wrongful imprisonment in Thomaston, Maine, arising from Ansel Green's claim that he was illegally imprisoned on a charge of larceny of an automobile, and also being a habitual criminal, as the result of the unlawful, wrongful or negligent action and manner by which he was sentenced and under which said sentence was executed by law enforcement officers of the State of Maine or other persons or persons acting at their request, on their behalf, or in cooperation therewith; and the complaint to be filed in said Superior Court under the authority of this resolve shall be served on the Secretary of State by attested copy 30 days, at least, before a term of said court by the sheriff or either of his deputies in any county in the State of Maine, and the conduct of said action shall be according to the practices of actions and proceedings between parties and suitors in said Superior Court, and the liabilities of the parties, and elements of damage, if any, shall be the same as the liabilities and elements of damage between individuals; and the Attorney General is authorized and designated to appear and to answer said action to recover damages, if any, sustained by Ansel Green by reason of his wrongful imprisonment. Any judgment that may be recovered in such action shall be payable from the Unappropriated Surplus of the General Fund on final process issued by said Superior Court, or, if appealed, the Supreme Judicial Court; and costs may be taxed for the said Ansel Green if he recovers in

said action. Any recovery in said action shall not be in excess of \$50,000; and such action shall be brought by and in the name of Ansel Green. Hearing thereon shall be before 3 Justices of the Superior Court without a jury; said justices to be assigned by the Chief Justice of the Supreme Judicial Court.

STATEMENT OF FACT

Since the State of Maine cannot be sued without legislative approval, the purpose of this resolve is to permit Mr. Green to bring an action for wrongful imprisonment.