

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
105TH LEGISLATURE

COMMITTEE AMENDMENT "A" to S. P. 417, L. D. 1232, Bill,
"AN ACT Relating to Claims Against the State and Immunity of
State Officers and Employees."

Amend said Bill in the 10th line (same in L.D.) by striking
out the underlined words "or for permission to sue the State"

Further amend said Bill by striking out all of subsection
1 in that part designated "§ 1782." and inserting in place
thereof the following:

'1. Disability. Claims for the periodic payment of
disability pension, retirement, workmen's compensation or other
employment benefits;'

Further amend said Bill by striking out all of subsection 4
in that part designated "§ 1786."

Further amend said Bill in the 2nd line (2nd and 3rd lines
of L.D.) in the 5th paragraph of that part designated "§ 1790."
by striking out the underlined words "shall certify such fact
to the Attorney General who"

Further amend said Bill in that part designated "§ 1793."
by striking out all of the 2nd and 3rd sentences and inserting
in place thereof the following:
It shall make a finding of fact on each claim and file such finding
with its order disposing of the claim. A copy of such finding
and order shall be forwarded to the claimant and to the Attorney
General.

Further amend said Bill by striking out all of the last
2 sentences in that part designated "§ 1797."

(Filing No. 8-223)

Further amend said Bill by striking out all of that part designated "§ 1798." and inserting in place thereof the following:

'§ 1798. Claims exceeding \$3,000, report to Legislature

The commission shall receive every claim for an amount in excess of \$3,000 in the manner provided in this chapter and shall make an investigation thereof in each instance, which at the discretion of the commission, may include holding a hearing as provided in this chapter, and shall, within 5 days after the convening of each regular or special session of the Legislature, submit a report of every such investigation to the Legislature. Such report shall be accompanied by copies of all documents submitted to the commission in connection with each such claim, and by a written transcript of the hearing, if any, held thereon.

As to each such claim the Legislature, without the necessity of public hearing thereon, may authorize the payment of the claim in whole or in part or reject it, or may authorize the claimant to bring an action against the State on his claim.

In each instance of a claim for an amount in excess of \$3,000 the commission shall submit a copy of the investigation report thereon to the Attorney General and to the claimant, as provided in section 1793 with reference to the finding and order of the commission.

Further amend said Bill by striking out all of that part designated "§ 1799."

Further amend said Bill in the 2nd line (same in L.D.) of that part designated "§ 1801." by inserting after the

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underlined word "claim" the underlined words 'not exceeding \$3,000'

Further amend said Bill by renumbering sections 1800 to 1802 to be sections 1799 to 1801.

Statement of Fact

The amendments to sections 1781, 1786, 1793, 1797, 1798, 1799, 1801 of L. D. 1232 are for the purpose of eliminating elements of the Bill considered to be in violation of the Maine Constitution, viz., the legislative delegation of authority to waive the Sovereign Immunity of the State and are further for the purpose of clarifying the jurisdiction of the Commission as to claims in excess of \$3,000, by providing for the Commission's authority to investigate such claims and to report to the Legislature.

The amendment to section 1782 is for the purpose of clearly excepting workmen's compensation claims from the purview of the Act.

The amendment to section 1790 is for the purpose of removing any possible conflict of interest on the part of the Attorney General as to application for a contempt citation, since the Attorney General is required by the Act to represent the State agencies against which claims are brought.

Reported by the Committee on JUDICIARY.

Reproduced and distributed pursuant to Senate Rule No. 11A.

(Filing No. S-223)

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