

MAINE STATE LEGISLATURE

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L.D. 2002

STATE OF MAINE
HOUSE OF REPRESENTATIVES
108TH LEGISLATURE
SECOND REGULAR SESSION

(Filing No. H-1033)

COMMITTEE AMENDMENT "A" to H.P. 1931, L.D. 2002, Bill,
"AN ACT to Simplify the Procedure for Submission of Certain Small
Claims Against the State."

Amend the Bill by striking out all of section 1 and
inserting in its place the following:

'Sec. 1. 5 MRSA §1510, as last amended by PL 1977,
c. 591, §1 and 2, is repealed.'

Further amend the Bill in section 2 in that part designated
"§1510-A." by striking out all of subsection 1 and inserting
in its place the following:

'1. Claims against state agency. A state agency may hear and
decide any claim of \$2,000 or less against it, or any of its agents,
except a claim that may be submitted under the Maine Tort Claims
Act, Title 14, chapter 741, or under another specific statutory
provision. Any agency paying all or part of a claim heard under
this subsection shall make payment as soon as practicable from
currently available agency funds and, if no funds are then available,
from agency funds from the following fiscal year. An agency
deciding a claim under this subsection shall make its final decision,
and reasons for the decision, in writing and shall, as soon as
practicable, send a copy of that decision to the claimant by certi-
fied mail.

These claims shall include, but shall not be limited to, claims

for damage or injury caused by patients, inmates, prisoners in the care or custody of the Department of Mental Health and Corrections or of any institution administered by a department, by children in the custody of the Department of Human Services and by wild animals.'

Further amend the Bill in section 2 in that part designated "§1510-A." by striking out all of the first paragraph of subsection 2 and inserting in its place the following:

'2. Claims against the State decided by the State Claims Board. A claim under this section may be submitted to the State Claims Board and heard and decided by it, if:'

Further amend the Bill in section 2 in that part designated "§1510-A." in subsection 2, by striking out at the beginning of paragraph "A." the following: "That" and inserting in its place the following: 'The'

Further amend the Bill in section 2 in that part designated "§1510-A." in subsection 2, by striking out at the end of paragraph "A." the following: "or"

Further amend the Bill in section 2 in that part designated "§1510-A." in subsection 2, by inserting after paragraph A, the following:

'B. The claim was submitted under subsection 1 to a state agency and no final decision was made within 90 days of submission; or'

Further amend the Bill in section 2 in that part designated "§1510-A." in subsection 2, by striking out at the beginning of paragraph "B." the following: "B." and inserting in its place the following: 'C.'

Further amend the Bill in section 2 in that part designated "§1510-A," subsection 5, first line (same in L.D.) by striking out the underlined word "July" and inserting in its place the underlined word 'January'

Further amend the Bill in section 2 in that part designated "§1510-A," subsection 6, 5th line (4th line in L.D.) by inserting after the underline words "on claims" the following underlined words 'under this section which are'; and by inserting at the end of subsection 6 the following new sentence: 'The decision of the board shall include the reasons for the findings.'

Further amend the Bill in section 2, in that part designated "§1510-A," by inserting after subsection 6, the following:

'7. Different procedures. A claim submitted under this section shall not be disapproved solely because a claim based on the same facts was submitted under a different statutory procedure and was disallowed.'

Further amend the Bill in section 2, in that part designated "§1510-A," by renumbering subsection 7 to be subsection 8.

Statement of Fact

The purposes of this amendment are:

1. To correct a date in the headnote of section 1510-A, subsection 5;
2. To ensure that the provisions of section 1510-A, subsection 6 apply only to claims submitted to the State Claims Board under section 1510-A and not to claims relating to land damage cases, which the State Claims Board hears under another section; and
3. To clarify the scope of the Small Claims Act, conform the bill to changes approved in L.D. 1941 and require that all decisions include their reasons.

Reported by the Committee on Judiciary.

Reproduced and distributed under the direction of the Clerk
of the House.
2/14/78

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