

MAINE STATE LEGISLATURE

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L.D. 2174
(Filing No. S-561)

STATE OF MAINE
SENATE
108TH LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT " B " to COMMITTEE AMENDMENT "A" to H.P.

2173, L.D. 2174, RESOLVE, Authorizing Beverly Mortimer and Dennis Perkins to Bring Civil Action Against the State of Maine.

Amend the Amendment by inserting after the title the following:

'Amend the resolve by striking out all of the 2nd paragraph of the emergency preamble which reads as follows:

Whereas, if this civil suit is not authorized immediately, the plaintiff's ability to preserve evidence will be irreparably impaired as memories fail and witnesses become unavailable through death, relocation or otherwise; and'

Further amend the Amendment by striking out in the first line after the title the word "Amend" and inserting in its place the words 'Further amend'

Further amend the Amendment by striking out all of the 4th, 5th and 6th paragraphs and inserting in their place the following:

'Further amend the resolve in the 8th paragraph by striking out all of the 2nd and 3rd sentences and inserting in their place the following:

Other parties may be joined with the State as defendants in this action. The complaint issuing out of the Superior Court under the authority of this resolve shall be served upon the State as provided by ← — — — — → the Maine Rules of Civil Procedure, Rule 4.

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SENATE AMENDMENT " B " to COMMITTEE AMENDMENT "A" to H.P. 2173,
L.D. 2174

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Further amend the resolve by striking out all of the 9th paragraph and inserting in its place the following:

Any judgment that may be recovered in this civil action shall be payable from the State Treasury on final process issued by the Superior Court or, if there is an appeal, the Supreme Judicial Court, and costs may be taxed for Beverly Mortimer and Dennis Perkins if they recover in the action. Any recovery against the State in that action shall not exceed \$100,000, including costs. Hearing thereon shall be before a Justice of the Superior Court with or without a jury.'

Further amend the amendment by inserting at the end of the statement of fact the following:

'The committee amendment also reduces the maximum amount which may be recovered from the State to \$100,000. All damages and costs, interest, fees or other court assessments against the State would have to be within \$100,000 limit.'

Statement of Fact

This amendment further clarifies the language of the bill, and also corrects the statement of fact of the committee amendment.

(S. Collins)

NAME:

COUNTY: Knox

Reproduced and distributed pursuant to Senate Rule 11-A.

March 16, 1978

(Filing No. S-561)