

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 818

S. P. 292

In Senate, February 12, 1981

Referred to the Committee on Legal Affairs. Sent down for concurrence and ordered printed.

MAY M. ROSS, Secretary of the Senate

Presented by Senator Kerry of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

RESOLVE, Authorizing Richard Potvin, or his Legal Representative, to Bring Civil Action Against the State of Maine and the Maine State Lottery Commission.

Be it enacted by the People of the State of Maine, as follows:

Richard Potvin authorized to sue the State of Maine and Maine State Lottery Commission. Resolved: That Richard Potvin of Biddeford, in the County of York, who suffered damages as a result of a failure by the Maine State Lottery Commission to properly conduct a "Super Drawing" on November 28, 1975, as a result of which he was deprived of a fair and equal opportunity to win the "Super Drawing" or his legal representative, is authorized to bring an action for breach of contract, breach of warranty, breach of implied contract, and negligence, in the Superior Court for the County of York, within one year from the effective date of this resolve, at any term thereof against the State of Maine and the Maine State Lottery Commission, and the complaint issuing out of the Superior Court under the authority of this resolve shall be served on the Director of the Maine State Lottery Commission by attested copy 30 days before a term of the court by the sheriff or either of his deputies in any county of the State; and the conduct of the action shall be according to the practice of actions and proceedings between parties in the Superior Court, and the liabilities of the parties, if any, shall be the same as the liabilities between individuals; and the Attorney General is authorized and designated to appear, answer and defend the action. Any judgment

that may be recovered in the civil action shall be payable from the State Lottery Fund as established by the Revised Statutes, Title 8, section 366, and if the fund should be insufficient, from the State Treasury on final process issued by the Superior Court, or, if appealed, the Supreme Judicial Court, and costs may be taxed for Richard Potvin if he recovers in the action. Any recovery in the action shall not be in excess of \$499,000, including interest and costs. Hearing thereon shall be before a presiding Justice of the Superior Court sitting with a jury.

STATEMENT OF FACT

The purpose of this resolve is to authorize Richard Potvin to bring suit against the State for damages suffered because of the manner in which the State Lottery "Super Drawing" was conducted on November 28, 1975.