

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 401

H.P. 342

House of Representatives, February 1, 1983

On Motion of Representative Cox of Brewer referred to the Committee on Legal Affairs. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Pouliot of Lewiston.

STATE OF MAINE

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

RESOLVE, Authorizing Melanie Ann Clark,
or Her Legal Representative, to Bring Civil
Action Against the State of Maine.

Melanie Ann Clark; authorized to sue the State of Maine. Resolved: That Melanie Ann Clark of Lewiston, in the County of Androscoggin, who suffered physical injuries, pain and mental anguish as a result of an automobile accident on or about November 6, 1975, at the intersection of Hatch Road and Minot Avenue in Auburn, Maine, in which the vehicle in which Melanie Ann Clark was a passenger crashed after having been involved in a high-speed chase with a vehicle operated by Trooper Oliver Dore of the Maine State Police, or her legal representatives, are authorized to bring an action in the Superior Court for the County of Androscoggin within one year from the effective date of this resolve, at any term thereof against the State of Maine for damages, if any, and the complaint issuing out of the Superior Court under

1 the authority of this resolve shall be served on the
2 Secretary of State by attested copy 30 days before a
3 term of the court by the sheriff or either of his
4 deputies in any county of the State. The conduct of
5 that action shall be according to the practice of ac-
6 tions and proceedings between parties in the Superior
7 Court and the liabilities of the parties, and ele-
8 ments of damages, if any, shall be the same as the
9 liabilities and elements of damages between individu-
10 als. The Attorney General is authorized and design-
11 ated to appear, answer and defend that action. Any
12 judgment that may be recovered in that civil action
13 shall be payable from the State Treasury on final
14 process issued by the Superior Court or, if appealed,
15 the Supreme Judicial Court, and costs may be taxed
16 for Melanie Ann Clark if she recovers in that action.
17 Any recovery in that action shall not be in excess of
18 \$50,000, including interests and costs. The hearing
19 shall be before a presiding Justice of the Superior
20 Court sitting with a jury.

21 STATEMENT OF FACT

22 The purpose of this resolve is to authorize
23 Melanie Ann Clark to bring suit against the State of
24 Maine.

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